

# Sovereignty and Government in Africa after Independence<sup>1</sup>

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**Abstract:** This essay is a contribution to the field of institutional studies in that it treats the State as a substantial phenomenon, composed of institutions that require analysis in their own right. Here, the focus is on the political form of African states from the 1960s to the 1980s. On the one hand, I will follow Bourdieu here in insisting that the study of government demands that we know something of the history of *political thought* (la pensée politique). This simple observation is seldomly applied when it comes to politics in post-colonial Africa. On the other, I use Peter Wagner's concept of modernity to show that struggles against colonialism and Imperialism and the pursuit of self-determination for African and Asian peoples are unambiguously struggles against domination and for autonomy. The emergence of Third World nationalism (and the Non-Aligned Movement) is an event, therefore, firmly *in* modernity. So too is the phenomenon of the One-party state in Africa.

**Keywords:** Sovereignty—South Africa—Government—colonialism—nationalism—one-party states

## *Introduction*

This essay is a contribution to the field of institutional studies in that it treats the State as a substantial phenomenon, composed of institutions that require analysis in their own right. Here, the focus is on the political form of African states from the 1960s to the 1980s. I will follow Bourdieu here in insisting that the study of government demands that we know something of the history of *political thought* (la pensée politique) (Bourdieu 2012, p. 200). This simple observation is seldomly applied when it comes to politics in post-colonial Africa.

In May 2017, for example, several colleagues and I published the first serious attempt to explain the phenomenon of 'state capture' in South Africa other than as a moment of criminality; to surface its political logic, that is. We

introduced several original conceptual terms—shadow state, repurposing of institutions—to offer a view of a political project—*Radical Economic Transformation (RET)*—that from 2011 onwards turned against the law and the constitution. RET gave political sanction to illegal rent-seeking practices in the name of transforming the economy. More especially we argued that during the Zuma Presidency, decision-making and the locus of political power had shifted away from the government, from constitutional entities, from the cabinet, away even from the African National Congress itself, towards what we called ‘kitchen cabinets’—*ad hoc* networks of friends and associates of the President. In short, what we were witnessing was the personalisation of power. In this respect, contemporary events in South Africa mirrored political trends across the African continent after independence, where political pluralism gave way to the concentration of power in the hands of the President (Widner 1994, p. 55; Tordoff 2002, p. 111).

What has proven especially controversial about that study—apart from its particular arguments about key individuals and the way that they are linked together—is the argument that ‘state capture’ betrays a *political* logic. Many commentators, leaders of important, progressive social movements and activists have been alarmed by the claim that the ‘looting’ of state-owned companies and the sabotage of those institutions responsible for criminal investigations is anything but the work of crooks. This skepticism may be rooted in the facts of the case. After all, President Zuma has pursued a ‘Stalingrad’ strategy to prevent the more than 700 criminal charges against him from ever coming to court. He has appointed pliant heads of the National Prosecuting Authority, which, following its name, ought to be responsible for criminal prosecutions in South Africa. He has dismissed anybody thought to be independent-minded. What troubles, nonetheless, is the idea that there may be sincerity and ‘idealism’ in the current administration.

This particular skepticism aligns with an incredulity of theoretical provenance, arising from general tendencies in contemporary studies of African politics. Three, in particular, are worth briefly calling out.

The first is a racist epistemology that reduces black politics to the politics of the libido, that is, to the pursuit of bodily pleasures largely indifferent to values or ideology. This prejudice informs much media commentary in South Africa and elsewhere in the world, especially the United Kingdom, about events here. In 2010, for example, the British High Commission was forced to apologize for reports in the tabloid press about President Zuma as a ‘sex obsessed bigot’ and a ‘vile buffoon’ (Smith 2010). Locally, we see traces of it in the idea that the President is a naïve fool, manipulated by the unscrupulous Gupta brothers for a few pieces of silver.

The second has a Fanonian inflection though its roots lie in developments within ‘Western’ Marxism in the post Second-World War period (Althusser, in particular). In the formulations of negritude, the ‘Black politician’ is a figure

produced (as a subject) in relation to whiteness so that he or she is not really able to say anything authentic or original at all. In the work of Achille Mbembe, for example, the postcolonial politician is little more than a zombie: a monstrous figure devoid of life and creativity (Mbembe 2001, p.104). He or she is certainly not to be taken seriously for his or her political thinking.

The third arises from a reduction of politics to the political economy. An excellent example of this mode of argument is Bayart's in *La politique du ventre*. The secret of politics is given by the character of 'African civilisation': extensive and itinerant agriculture, reliance on the energy of animals, water and wind, low productivity, poor ability to generate surpluses, weak demographic pressure, spatial mobility and scarcely individualised appropriation of land (Bayart 2009, pp. 34-35). In this context, African politics becomes the extraction of rents through 'extraversion'—the resources available from positions of power in the State. Politics as a contestation of ideas about how we live together and the institutions that we build to make this possible is secondary to the 'politics of the belly'.

What these three approaches have in common is the negation of African politics as a sincere relation to ideas and concepts, that is, to fundamental problems of politics *per se*. We remain, that is, on the terrain of an old prejudice—that political behavior in Africa is indifferent to the structure of governing institutions or to the history of political concepts (Widner 1994, p. 52).<sup>2</sup>

The article will begin by observing the general tendency towards one-party states in Africa from the 1960s onwards. It will explain this development in relation to an immanent political logic. New governing parties, irrespective of whether they came to power in former British, French, Portuguese or Belgium colonies and irrespective of their particular ideologies, sought popular sovereignty. In so doing, they were forced to grapple with basic questions of identity and government. In this regard, the One-party form offered compelling answers. This article argues, in other words, that the pervasiveness and the persistence of the one-party form as a historical phenomenon must be understood in relation to the immanent logic of this concept (sovereignty).

### *One-Party States*

Everywhere you looked, one commentator noted in 1963, and not just in Africa or the Soviet Union or Eastern Europe, but also in Spain and Portugal and even in France under Charles de Gaulle, legislatures were losing power to executives, individual rights were being eroded, labour unions, universities, political groups and youth organisations were increasingly falling under government supervision and control (Rothschild 1963: 31). Indeed, it was not until the mid-1970s that southern Europe—Portugal, Greece and Spain 'turned from dictatorships to elected civilian government'.

At least up until the 1990s, the majority of political systems in post-colonial Africa converged around a common political form. Irrespective of the country, the electoral and political system inherited from the colonial period—whether the Gaullist system where power vested in an executive leadership or the British parliamentary system—had been discarded almost everywhere within ten years of independence (Tordoff 2002, p. 76; Widner 1994, p. 55). Instead, *de facto* and usually *de jure*, one-party systems were established and political power was concentrated in the figure of the President.

In 1963, when Ben Bella in Algeria centralized power and introduced a constitution that abolished all political parties except for the *Front National de la Liberation* (FLN), he was following in a path already traced in Guinea (1958), Congo (1960), Cote d'Ivoire (1961), Tanzania (1963), Malawi (1963) and Kenya (1964). In 1970 the *Mouvement Populaire Revolutionnaire* in the Democratic Republic of Congo was institutionalised as the 'supreme organ of the state' and women, labour and youth organisations lost their independent existence to become branches of the Party. In the 1970s, doctrinally Marxist-Leninist parties did the same: the MPLA in Angola, FRELIMO in Mozambique and the PAIGC in Guinea-Bissau.

As early as 1966, Zolberg had noticed two tendencies: towards single-party or single-party dominant systems, on the one hand, and towards 'party-states', on the other. No less than 38 countries on the Continent had regimes that tended towards this typology. Most North African and Middle Eastern regimes were one-party states during this period too. No doubt reflecting a mood in certain Africanist circles at the time, some commentators distinguished between the tired authoritarianism of European states and the 'bristling' energy of new African governments (Rothschild 1963: 34).

The transition to single-party regimes occurred in ideologically eclectic regimes, ranging from Modibo Keita's in Mali to Sekou Toure's in Guinea to Julius Nyerere's in Tanzania, to Jomo Kenyatta's in Kenya. As Jennifer Widner notes, Kenya is an especially interesting example because the move to a 'party-state' came as late as 1982 (Widner 1992, p. 40)—long after initial enthusiasm for 'socialism' had passed and in the period where Soviet and Eastern European regimes looked, frankly, economically and politically moribund.

What makes this phenomenon more than a fleeting occurrence is that even after the 'third wave' of democratisation in the 1980s and 1990s and the fall of the Soviet Union, seventeen African countries were still regarded as authoritarian in 2011. Moreover, in those places where multi-party systems were introduced the tendency towards single-party dominance has been strong (Doorenspleet and Nijzink 2013, p. 6). In general, post-colonial Africa has shown a remarkable proclivity towards uni-party regimes, towards 'party-states', situations of one-party dominance and towards Presidential, personal rule. What they have in common is the tendency to locate power in a single

place, that of the dominant party and/or of the leader. We might call these regimes tending towards political singularity, singular regimes.

How do we account for this pattern?

Surprisingly, the question is rarely posed. Typically, Todroff notes that African leaders 'gave a number of sometimes contradictory reasons for establishing one-party rule; thus it was argued, on the one hand, that the single party was necessary to control regional or ethnic divisions and curb factionalism and, on the other, that the single party reflected the basic consensus of African society' (Todroff 2002, p. 110). Todroff, however, is content not to deal with the matter. Moving along he comments, 'whatever the reason—and selfish motives on the part of the African leaders themselves obviously cannot be excluded—there were sharp differences between one single party and another' (Ibid, p. 110).

Barkan's important work in the 1970s and 1980s on single-party governments in Africa showed the way that they developed political linkages between voters, the executive through a series of intermediaries, most notably MPs, regional political brokers, and cabinet ministers. Of central interest was the way that one-party governments were 'critical to the maintenance of political stability' (Cheeseman 2016, p.182). More recent work is preoccupied with the question of transitions from authoritarian and despotic rule (see, for example, Doorenspleet and Nijzink 2013; Harbeson 2016; Cheeseman 2016).

Jennifer Widner's study of Kenya is one of the few exceptions in this regard.

What is missing in all of these studies, however, is an analysis of political forms in relation to the history of *political ideas*.

### *The 'Problématique' of Modernity*

Peter Wagner introduces the concept of a *problématique* to refer to three basic questions that all human societies need to address, concerning 1) the basis of knowledge, 2) how to determine and organize the rules for life in common and 3) how to satisfy the basic material needs for societal reproduction. He calls these questions *epistemic*, *political* and *economic problématiques* in turn (Wagner 2012, p.74). Wagner is looking for a way of comparing different societies, recognizing their institutional diversity (of political arrangements, of the ways they organize their economies and of their intellectual and artistic tradition), but not relativizing them to the extent that they become *sui generis*. The point of comparison, therefore, is the *problématique* itself and the way it is handled across different societies in space and in time. Methodologically, distinguishing between *problématiques* constitutes the first step towards a 'comparative sociology'. The second step is to explore the history of

epistemological, political and economic thought in each location. Of central interest for Wagner is what he calls the '*problématique of modernity*'. He writes: 'Modernity is the belief in the freedom of the human being—natural and inalienable, as many philosophers presumed—and in the capacity to reason, combined with the intelligibility of the world, that is, its amenability to human reason' (Wagner 2012, p. 4).

The strength of Wagner's approach is to not treat this idea of modernity in relation to fixed and determinate (Western) outcomes—the rule of law, democracy, market economies, bureaucracy—but in relation to what he calls a 'societal self-understanding', that is, in relation to a way of asking *questions*. 'To say', he remarks, 'that a society embraces a modern self-understanding [...] implies that all these questions [of epistemology, politics and economics] are truly open, that answers to them are not externally given but need to be found, and that, therefore, contestation of the validity of the existing answers is always possible' (Wagner 2012, p. 74). This brings Wagner's definition of a *problématique* close to what is more commonly known since Foucault as a discourse. I will use this latter term because it is more familiar.

Hence, the modernity of a society is not given by the presence of certain pre-determined institutions and technologies. Nor, for that matter, is its *pre-* or *post-*modernity measured by their absence or transcendence. It is given in relation to the *discourse of modernity*: the degree to which a society grapples with the commitment to autonomy, to the relationship between individual autonomy (freedom from constraint, freedom from domination) and collective autonomy (democracy).

On these terms, struggles against colonialism and Imperialism and the pursuit of self-determination for African and Asian peoples are unambiguously struggles against domination and for autonomy. The emergence of Third World nationalism (and the Non-Aligned Movement) is an event, therefore, firmly *in* modernity. So too is the phenomenon of the One-party state in Africa.

Historically, what has been overlooked in the development of political concepts and practices in Africa, is the role of the Afro-Asian meetings in Bandung and Cairo in 1955 and 1961 respectively, the formation of the Non-Aligned Movement (NAM) (Belgrade, 1961) and the Tri-Continental Conference in Havana. The relationship between Yugoslavia and Africa, notes, Paul Betts, has largely been forgotten (Betts 2017, p. 47). Between 1954 and 1979, however, Marshall Tito visited 16 African countries, travelling to Egypt sixteen times alone (Vučetić and Betts 2017, pp. 20-21). What was at stake in these meetings and exchanges was the emergence of the Third World, not simply as a geographical expression but as what Vijay Prashad calls a 'project'. The unity of the Third World came from a political position against colonialism and Imperialism (Prashad 2007, p.xv and p. 34). The final communiqué of the Bandung Conference, for example, 'declared its full support of the

principle of *self-determination of peoples* and nations as set forth in the Charter of the United Nations and took note of the United Nations resolutions on the rights of peoples and nations to self-determination, which is a pre-requisite of the full enjoyment of all fundamental Human Rights' (see Republic of Indonesia 1995, pp. 161-169) (emphasis added).

It is in relation to this idea—'self-determination of peoples'—that we must consider the emergence of singular regimes in Africa and elsewhere in the Third World.

### *The Discourse of Popular Sovereignty*

We can better understand the phenomenon of One-Party States in Africa if we treat 'self-determination' as a discourse which generates a set of immanent questions. What are these questions? If we turn to the Charter of the United Nations (UN), affirmed, as we saw above, at the Bandung conference in 1955, we see self-determination related to several other terms. In Chapter One, for example:

- Article 1 of the Charter states, inter alia, that the purpose of the UN is 'to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace'.
- Article 55 states, inter alia, that the United Nations shall promote 'economic and social progress and development' as well as respect for human rights and fundamental freedoms '[w]ith a view to the creation of conditions of stability and well-being ... based on respect for the principle of equal rights and self-determination of peoples'.

In the famous Article 76 on decolonization, the Charter tells colonial powers that their trusteeship must serve 'to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence'. In these clauses self-determination is related to 'nations', to 'rights', to 'peace', to 'economic and social progress', to 'human rights'. The master concept underlying these articles is given in the first chapter of the Charter, however: 'The Organization is based on the principle of the *sovereign equality* of all its Members' (United Nations 1942; emphasis added).

The centrality of the concept of sovereignty to the principle of self-determination is much clearer in the Atlantic Charter of 1941, which strongly informed the UN Charter signed a few months later. In the Declaration of Principles, President Roosevelt and Prime Minister Churchill stated that they wanted to see 'no territorial changes that do not accord with the freely expressed wishes of the peoples concerned' and that they respected 'the right of



all peoples to choose the form of government under which they will live'. They wished to see 'sovereign rights and self-government restored to those who have been forcibly deprived of them' (cited in Burri and Thürer 2008, paragraph 5). This marked a paradoxical conjunction of legal terms. The notion of 'sovereignty' had historically been used in international legal jurisprudence to legitimise colonial domination, by distinguishing between civilized states that were sovereign and uncivilized states that were not. International law as European law only applied to sovereign states. In the post Second-World War period, and especially during the period of decolonisation in the 1960s and 1970s, the notion of self-determination was developed precisely to make it possible, at least from the perspective of international law, for colonial territories to become sovereign states (see Anghie 2007, p.35).

Even if there is not much sympathy for the concept of sovereignty today (Kalyvas 2005, p. 223), it is the foundation stone of the International system after 1945 and it animated the political dreams and struggles of Third-World movements opposing colonialism and Imperialism. In other words, Third World movements were not simply vectors of modernity, they operated within the *discourse of sovereignty*. As such they were called upon to meet its challenges practically.

Bodin, from whom modern conceptions of sovereignty derive, called sovereignty 'the highest power of command'. He defined its conditions as *perpetual rule and absolute power* (Bodin 1992, p. 1; p. 7; p. 24). There is a third quality of sovereignty. It is always singular, that is, embodied in an entity, one with itself. It is the first of these qualities that has given the concept a bad reputation as an 'an arbitrary, limitless act of command, still carrying the traces of its martial origins, not subject to anything and anybody, beyond the law, stubbornly seeking to enforce obedience' (Kalyvas 2005, p. 225). Even if contemporary theories of sovereignty are able to overcome its 'absolutist' features, it remains difficult to escape the third characteristic of sovereignty: that the sovereign is singular. Consider Kalyvas' notion of sovereignty as 'constituent power' and his attempts to reconcile to the concept to democracy. 'In a word', he writes, 'the sovereign is the constituent subject. For this reason I define the sovereign as the *one* who determines the constitutional form, the juridical and political identity, and the governmental structure of a community in its entirety' (Kalyvas 2005, p. 226; emphasis added).

The reference to the sovereign as singular is not just stylistic. It is inherent in the concept. Kalyvas wants to reconcile sovereignty with democracy by positing the constituent moment as a creative, 'co-instituting act'. He describes it as such: 'The con-instituting act is *acting in concert*, an act of a plurality of actors who engage with each other in creating the higher laws' (Kalyvas 2005, p. 236). It is democratic because these actors are nothing less than citizens who are 'jointly called to be the authors of their constitutional identity



and to decide the central rules and higher procedures that will regulate their political and social life (Kalyvas 2005, pp. 237-238).

We are not very far from the 'society doctrine' of the nineteenth century. It held that sovereignty only applied in properly constituted societies, discounting colonies from the precepts of International law because they were deemed uncivilized, that is, not really societies at all. As Anghie notes, 'the sovereign European state was established through reliance on the concept of society' (Anghie 2007, pp. 99-100). Absolutist and democratic conceptions of sovereignty the idea of the social as always already reconciled as a single society. Hence, for any kind of sovereignty to exist, so must society.

### *The One-Party State and the Constitution of Society*<sup>3</sup>

What if citizens would not come together spontaneously to 'act in concert'. What if they belonged to diverse communities, were subjects of kingdoms or lived in acephalous societies arbitrarily circumscribed into common States by colonial powers? What if they were peoples of different languages, religions, ethnicities, dispersed across different geographies, organized through different polities and articulated in and across multiple class structures? What if some citizens did not affiliate with the state and even sought their own? What if the challenge of sovereignty confronted an existential problem, that society itself did not exist? What if, in other words, sovereignty was pursued by governments in Africa after independence and elsewhere in the Third World?

What would it take to establish a sovereign government under these conditions? Nothing less than the establishment of society itself.

Similar questions were confronted by Marxist parties at the end of the nineteenth century working in the context of European Empires. The difficulty was that Marxism set itself up against nationalism in fundamental ways. Proleterian solidarity was international. Nationalism was the ideology of the dominant bourgeois class that worked to split the working class (see Lenin's *Critical Remarks on the National Question*). In Austro-Hungary, however, prominent social democrats like Otto Bauer had started working on the 'national question' where it was unavoidable. Class unity regularly came up against 'national' allegiances (Štikš 2015, p.39), which showed no sign of abating soon.

Bauer developed a theory of the 'national character', expressing a shared history based on community of education, work and culture and a territorial principle, a 'common area of habitation' (Bauer cited in Štikš 2015, p. 39). His formulations would be decisive to the history, not just of the region but to developments in the Soviet Union too. In 1913, Stalin was sent to Austro-Hungary to study Bauer's work. His definition of the nation drew extensively from the latter. Lenin too reconciled himself to nationalism by distinguishing

between ‘oppressing nations’ and ‘oppressed nations’—insisting on the right of self-determination for the latter in the context of Imperialism.

These principles found concrete expression in the creation of ‘national soviet republics’ and triggered ongoing debates about how to reconcile political centralism with territorial autonomy for self-determined nations (Štikš 2015, p. 40). What was at stake in these debates was the relationship between the ‘social question’ and the ‘national question’. That is, what political arrangement was best suited for advancing the interests of the working class, while also accommodating the interests of particular nations and tribes?

In Yugoslavia after the Second World War, the answer to the social/national question was found in the formula, ‘*federal socialist*’. The 1974 Constitution distinguished between nations (*narodni*), consisting of the Slav nations that made up the Yugoslav people (literally the Southern Slavs) and nationalities (*narodnosti*), consisting of nations that were minorities in Yugoslavia but who had their own states outside, including Albanians, Slovaks, Romanians and Italians. As Várady notes, these definitions only became significant in the 1990s as the State began to disintegrate (Várady 1997, p. 10). Instead the Communist Party went very far to propagate ‘national equality’, permitting and supporting several languages in schools, theaters and media. There were ‘very strict’ prohibitions on any attempt to mobilise on ethnic or national terms at all. It was the Communist Party that insisted on a monopoly in identifying and addressing ethnic grievances.

What unified the social? Firstly, there was an appeal to a Pan-Slav identity as ‘South Slavs’ (literally the meaning of Yugoslavia in Serbo-Croat). Second was the appeal to socialism. Hence, the state was federal in that it accommodated the principle of nations and it was unified under the leadership of the Communist Party as the guarantor of supra-national solidarity and socialism.

The influence of the Soviet and Yugoslav models is a historical given, through the Communist International and, in the case of Yugoslavia through the Non-Aligned Movement. It is also not difficult to understand their conceptual appeal. They were developed in relation to a critique of Imperialism and they confronted the most pressing problem of newly independent African states: constituting Sovereignty in places home to a multiplicity of peoples. If not all countries adopted federal solutions, though many did, what proved especially influential was the example that unity could be achieved through a One-Party state.

### *The People as One*

In the sixty six years since the founding of the United Nations the number of member states has grown from the original 51 in 1945 to 193 in 2011. It represents a near fourfold increase in little more than half a century. In contrast, in the period between 1919 and 1946 membership of the League of

Nations never exceeded 63 members. The difference between the two periods is partly explained by the different relationships these bodies had to Imperialism and to nationalism respectively. The first, despite its name, sought to re-establish the principle of Imperial sovereignty—a logic of integrating large geographies and multiple peoples in single states. Indeed, the Treaty of Versailles tried to shore up the Imperial system by re-allocating to those that won the war (Britain and France) the territories formerly held by the losers (Germany, the Ottoman Empire). In Lord Acton's terms, we might say that the nineteenth and early twentieth century were periods of nations and 'great powers'.

The United Nations is the expression of a different logic. The principle of popular sovereignty on the basis of nations may have its origin in republican ideals of the French Revolution, yet it is only in the period after the Second World War that this model became the norm. That the world should be organised on the basis of sovereign nation-states animated the vast majority of anti-colonial struggles. European Empires after the Second World War and especially in a short burst during the 1960's shattered into so many new states. In 1956 Morocco, Tunisia and Sudan joined the UN as sovereign states. In 1956, they were accompanied by Ghana and the Federation of Malaya. Then in 1960, 17 new states appeared (Cameroun, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Gabon, Ivory Coast, Malagasy Republic, Mali, Niger, Nigeria, Senegal, Somalia, Togo, Upper Volta). By the end of the 1960's a further 27 countries had become independent—the vast majority of them in Africa, as Britain and France relinquished their colonies and dominions.<sup>4</sup> In the 1970's, the Portuguese Empire collapsed, throwing up even more new states, including Mozambique and Angola. Then in the 1990's, the Soviet Union dissolved. By 1994, there were 185 member states of the UN, up from 166 just three years earlier.

The vast majority of these states have been cut out from the fabric of European empires. 'The British Empire has, in the course of the last few decades', noted one legal scholar in 1960, 'glided quietly and decorously into the "British Commonwealth of Nations" and the "British Commonwealth of Nations" has slipped unobtrusively into the "Commonwealth of Nations"' (Schwelb 1960, pp. 164-165). That this was an untroubled process was a uniquely metropolitan perspective, yet the broader point is unmistakable. New states invoked the principle of nationality as their passport into the world of States. Consider briefly the constitutional history of Ghana in its first few years.

The Constitution which was to govern Ghana during the first years of its life as a sovereign State was the Ghana (Constitution) Order in Council of February, 1957. It provided for a Cabinet vested with political authority, made up of members of Parliament. The Cabinet was responsible to parliament that was, in turn, elected by secret ballot on the basis of adult suffrage. Every citizen of Ghana, irrespective of religion, race, and sex, was given the

right to vote. The basic law of Ghana of 1957, however, also made the new state a constitutional monarchy and parliamentary democracy on the British model. Executive power was, nominally, vested in the Queen and the Governor General as her representative. It was the origin of the Constitution, however, that was of particular consequence for the new ruling elite after independence. While people like Kwame Nkrumah, soon to be President, were consulted during its formulation, the constitution was worked out largely in Britain and was enacted by an Order-in-Council of the British monarch.

Immediately after the formation of the new government, moves were initiated to abandon the monarchical constitution in favour of a Republican one. There is surprise amongst British legal scholars at the time, not so much with the principle but with the process. All it required was a law adopted by the Ghanaian parliament with a simple majority. Limitations on member states of the 'British Commonwealth' to enact laws in contradiction with British law had already been repealed in 1931 by the Statute of Westminster. 'Nevertheless', writes Schwelb, 'the Government of Ghana set in motion elaborate machinery for the consultation of the people before Parliament enacted the new Constitution' (1960, p. 638). It is not so surprising, however, when we understand sovereignty as a creative moment, founding the constituent subject.

The Ghanaian Constitution of 1960 triggers an existential pursuit. It does so with surprising consequences. 'The Government realises', states the White Paper of 1960, 'that the present frontiers of Ghana, like so many other frontiers on the African continent, were drawn merely to suit the convenience of the Colonial Powers who divided Africa between them during the last century' (cited in Schwelb 1960, p. 640). The Preamble to the Constitution itself draws the consequences of this observation. It calls on the people of Ghana to 'help to further the development of a Union of African States'. Moreover the constitution specified certain 'fundamental principles', including that:

the union of Africa should be striven for by every lawful means and, when attained, should be faithfully preserved; and that the Independence of Ghana should not be surrendered or diminished on any grounds other than the furtherance, of African unity (Article 13, cited in Schwelb 1960, p. 640).

Even more, the constitution looked forward to its own redundancy:

In the confident expectation of an early surrender of sovereignty to a union of African states and territories, the people now confer on Parliament the power to provide for the surrender of the whole or any part of the sovereignty of Ghana (Article 2, cited in Schwelb, 1960: 640).

In other words, Ghana as a state could be dissolved by a simple Act of Parliament.

What was being asserted here? That Ghanaians belong to a nation that exceeds the territory of Ghana, that Ghanaians were Africans for whom Africa

as a whole was their territory, that nothing less than a Pan-African state could give them rightful expression.

The Constitution of Guinea of 1958 contains similar provisions. In its Preamble, the State of Guinea 'affirms its resolve to strive to the utmost to achieve and consolidate the Unity in Independence of the African Fatherland'. We find a similar wording in the Constitutions of the Republic of Cameroun, of the Central African Republic, of the Senegal and of the Sudan Republic (now Mali). On this basis, moreover, the Presidents of Ghana, Guinea and Mali declared that they had formed a Union of African States in 1960—though the union was more rhetorical than actual.

It was not just in Africa, however, that the assertion of sovereignty triggered a quest for a singular identity. The 1952 Constitution of the Kingdom of Jordan provides in Article 1 that 'the people of Jordan form part of the Arab nation'. The Syrian Constitution of 1953 states that 'the Syrian people form a part of the Arab nation' and goes on to provide that, 'the State shall, within, the frame of sovereignty and republican regime, endeavour to realize the unity of this nation' (Art. 1/3). The Egyptian Constitution of 1956 did likewise, declaring that 'the Egyptian people are an integral part of the Arab Nation'. On this basis Syria and Egypt merged to form the short-lived United Arab Republic in 1958. We find similar expressions of Arab nationality in the Constitutions of Iraq, Jordan, Tunisia and even the Kingdom of Morocco.

These developments are, from the perspective of sovereignty, hardly surprising. They are efforts to define a principle of unity that would override local and parochial attachments.

### *Political Order and the Possibility of Government*

We cannot stop at the *legal* or *symbolic* constitution of the people as a singular entity, either as particular nations (Ghanains, for example) or as Africans. We have to go one step further to consider sovereignty in relationship to those institutional forms that make possible the expression of the people's sovereign will as a *government*. For therein lies the practical measure of sovereignty.

Jean-Francois Bayart is interested in a related question. What are the origins and the history of dominant groups in the postcolonial state and how and under what conditions do they 'aggregate' to form a 'dominant class'? (Bayart 2009, p. 154). Bayart's great virtue in this regard is to consider this process in relationship to *hegemony*. He explored two routes to hegemony, conservative modernisation and social revolution. What was decisive for him is a third. He called it the 'reciprocal assimilation of elites'.

Here the key role is played by political parties and the single-party system, especially. In Ghana, for example, following the near secession of the Asante aristocracy in the run up to Independence and after the *coup d'état* that

removed Nkrumah from power, it was the National Liberation Movement that provided a basis for the integration of the southern and northern elites. In Niger, Bayart explains, ‘captives’ and ‘masters’, members of heterogeneous social structures were reconciled through the *Parti Progressiste Nigérien* (PPN), which prevented the cleavage Songhai-Zarma from becoming politicised. The *Parti démocratique de la Côte d’Ivoire* played a similar role in the Ivory Coast. So too did the *Bloc démocratique gabonais* in Gabon. In Zambia, the United National Independence Party (UNIP), which became the sole party after 1972, proved adept at balancing competing demands amongst dominant groups. Indeed, a serious threat to the integrity of the State emerged only in the 1990s after the introduction of multi-party elections. The Lozi aristocracy threatened to secede from Zambia and to re-group under their traditional system of rule, led by King Litunga (Owusu 1997, p. 128).

Analysis in South Africa stubbornly fails to consider this dynamic in relationship to contemporary politics. This is doubly unfortunate. In the first place, South Africa is a new state—a little more than a 100 years old. Secondly, during its short life it has existed as a unitary State for only brief and uneven periods. For most of the twentieth century, and especially during the Apartheid period, the State was splintered across multiple administrations and geographies, organized on the basis of race or tribe. The Bantustans are the culmination of this politics of fragmentation and undoing. One of the major challenges of state-building in post-Apartheid South Africa has, therefore, been integrating former homeland administrations into new government arrangements and pacifying their various elites (see Pillay, Pearson and Chipkin 2016).

Until recently, the dominance of the ANC has been achieved because it has absorbed and contained a great variety of social and political contradictions and tensions. Different classes have been able to realise enough of their interests to remain loyal to the party. Furthermore, diverse regional and local elites have been able to pursue their ambitions through its structures, largely reconciling and integrating them to the new South Africa. In this way, ANC dominance has given us more than two decades of political stability. The ANC has paid a very high price for this brand of nationalism. It has divided and fragmented the organization internally. Little wonder the figure of *Jesus Christ* appeals to many of its leaders.<sup>5</sup> The party suffers to heal the body-politic.

As a general rule, one of the decisive dynamics in the history of government over historical time has been the relationship between what we might call the centre and the periphery. European medieval and Renaissance history frequently turns on the relative authority of the monarchy in relation to the nobility. When the nobility has been tame, as was the case of France at the time of Louis XIV, the monarchy is supreme and absolutist. In Britain during the Eighteenth century the nobility acquired hereditary title over their lands and become more and more independent *vis-à-vis* the monarchy. The peculiarity of English history is the balance that was achieved between these

constituents, resulting in a constitutionally limited monarchy. The Japanese regime, for a period of roughly 800 years until 1600, manifests a similar dynamic, as does the Mamluk regime in Egypt. India since 1949 has been in state of constant struggle between its regional notables and the central state (see Finer 1999).

In other words, for long historical periods and in many geographies, social unity hinges on the ability of a political centre to tame its regions. When it cannot, the result is long-term political instability and disorder and even the break-up of the polity itself. Yugoslavia is a terrifying case in point where the weakening of the federal state created space for regional elites and ethnic entrepreneurs, ultimately, to provoke a devastating civil-war. The fate of state-socialist regimes in recent times is also instructive. The 'great divergence' between the Soviet Union and China, collapse and disintegration in the case of the first and consolidation of absolutist control in the case of the latter, rests on their respective ability to manage their 'barons', that is, their regional elites. That the Cultural Revolution in the 1960s produced a period of chaos is not in dispute. When Mao granted groups of workers and citizens the 'right to rebel' in 1966 the 'red guards' took aim at local and regional administrations and power-brokers. Hence, when in the 1970s China took measures to restore political stability and launch economic growth reforms, it took place in the context of the enhanced authority of Beijing and of the central Communist Party. The contrast with the Soviet Union is striking. In the post-Stalinist era, modernization and economic expansion produced huge growth in the central bureaucracy. Brezhnev's rule is regarded as the golden age of the *nomenklatura*. It is also the highpoint of Soviet achievements in military power, geopolitical influence and technology. Nonetheless, the 'ossified' bureaucracy was deemed the principle constraint on further modernisation. Gorbachev's reforms—*Perestroika*—like Mao's cultural revolution targeted the bureaucracy. Unlike the cultural revolution, however, that weakened local and regional administrations, Gorbachev sought to break the power of central state bureaucracies—setting off centrifugal forces that ultimately tore the Union apart. In contemporary Africa, from Congo to Libya, civil war and the disintegration of the States has coincided with the weakening and collapse of One-Party dominance.

### *Conclusion*

This article has sought to understand political developments in postcolonial Africa and, in particular the emergence of singular regimes, that is, one-party/one-leader states in many African countries after independence, in relation to the immanent logic of *sovereignty*. It has been argued that this concept was central to demands for self-determination of African peoples from colonialism and Imperialism.



Drawing on the Wagner's notion of a *problématique qua* framework of *fundamental questions*, we have construed 'sovereignty' as a concept internal to the *problématique of modernity*—at its root concerned with human freedom and autonomy. That is, anti-colonial movements were called upon at the moment of independence to confront sovereignty's conditions in newly formed States composed of multiple societies, articulated unevenly across space. These were not European or Asian societies brought under the monopoly of centralized administrations after centuries of inter and intra-state war. How could heterogenous social elements be unified or integrated into a single society?

It is mainly in the debates within Austro-Marxism at the beginning of the twentieth century that the basis of an answer was found. In the language of the Yugoslav state, nations and nationalities could be reconciled in the framework of a system that was '*federal socialist*'. It recognised national differences but accommodated and reconciled them through a supra-national project of nation-building and socialism.

The appeal of this model in the Third World spoke to the prestige of the Soviet Union and Yugoslavia in many quarters. It spoke no less of the inherent appeal of these ideas. For those political leaders and parties, moreover, that were neither Marxist nor especially interested in socialism, 'development' was an easy substitute for socialism as a common rallying point.

Seen from the perspective of sovereignty, the history of the One-Party/One-Leader State is mixed. As an instrument of development, at least in comparison to South East Asia, it has been a dismal failure. It has certainly been an obstacle to democracy but then that was not its purpose. As an instrument of integrating elites and reconciling them to the State, however, it has a far better record. Apart from places of intense Cold-war contestation (Angola, for example) and/or places destabilized by the settler colonies, Rhodesia and South Africa (Mozambique), civil war in post-independence Africa has been rare. The Biafran civil war is an exception. In most cases, ranging from Zaire/Congo, to Somalia, to Cote d'Ivoire, to Libya civil war is a relatively recent phenomenon. It is associated with the weakening and/or removal of the Sovereign *qua* party-state and/or state leader. In this respect, the loss of Sovereignty has been a consequence of the 'third wave' of democratisation. It has also been an effect of neoliberalism, which undermined the claim of the State to be the vector of development.

What does this mean for contemporary South Africa, the example we started with? Firstly, it is naïve to think that the weakening of the ANC represents a positive development for multi-party democracy. In the post-Apartheid period, it has been the principle location where various elites have found a common home. The unravelling of the organization is as much a cause as it is an effect of the growing restlessness of local and regional groups. The challenge going forward for South Africa as a democracy will be to find a new mechanism for integrating elites that aligns with the Constitution. If this is

not possible, then the challenge will be to establish sovereignty *tout court*. Either way, what is required is the development of new political ideas.

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## Author Biography

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**Notes**

- 1 This essay started life as an unsuccessful essay, which I wrote as a visitor to TRAMOD and to Barcelona in 2014. It has recently benefitted from the lectures and talks of Andreas Kalyvas at my institute in Johannesburg, the Public Affairs Research Institute (PARI). I first met him at a conference organised by Peter. In this sense, this essay draws as much from Peter Wagner's work as it does from his delightful world.
- 2 Jennifer Widner suggests that the tendency of political scientists, from the late 1970s to the late 1980s, to dismiss the structure of governing institutions in African contexts, followed largely, not so much from the evidence, but from a poor reading of Crawford Young's *Ideology and Development in Africa* (p.52).
- 3 I am grateful to Jelena Vidojevic for introducing me to some of the key texts discussed in this section and for reading and correcting earlier drafts.
- 4 Mauritania, Mongolia, Sierra Leone, Tanganyika, Algeria, Burundi, Jamaica, Rwanda, Trinidad and Tobago, Uganda, Kenya, Kuwait, Zanzibar, Malawi, Malta, Zambia, The Gambia, Maldives Islands, Singapore, Barbados, Botswana, Guyana, Lesotho, Yemen, Equatorial Guinea, Mauritius, Swaziland.
- 5 President Jacob Zuma used to say that the 'ANC will rule until Jesus Christ comes back'.