CIVIL SOCIETY, HUMAN RIGHTS AND DEVELOPMENT IN AFRICA:
A CRITICAL ANALYSIS

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Introduction

For the modern notion of human rights and civil society be relevant to an economically challenged people and community, it needs to have a link with, and be rooted in, their culture, traditions and values. These are best expressed in their traditional socio-political systems. For it is in the socio-political realm that one finds and draws conclusions from the concepts of rights that the various traditional systems developed, guaranteed and exercised.

The denial of a human rights culture in Africa's traditional political systems[1] has done a lot of harm to the conceptualisation of African notions of rights and civil society. It is the contention of this paper that Africa has its own concepts of rights, rooted in each locality's socio-political evolution and structure.[2] Writing on these lines, Potholm argues that it is important to look at the political forms that manifested themselves in the African context and to take them as expressions of political philosophy.[3] Indeed, Potholm's work supports the observation that "... there is a wider range in traditional African political systems than exists today among the industrialized nations in spite of the oft-proclaimed communist-democratic dichotomy."[4] This plurality was made possible by the fact that "Africans, far from passively accepting the political systems [of Europe], chose forms, altered them, and developed entirely new ones."[5] Thus, African societies had or created their own methods for managing confrontations, debates, tensions and conflicts.

However, while African scholarship has come a long way to project and promote an African notion of democracy and rights, an idea of African "civil society" is still

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[1] Rhoda R. Howard, *Human Rights in Commonwealth Africa* (Totowa: Rowman and Littlefield, 1989), and; Jack Donnelly, "Cultural Relativism and Universal Human Rights," in 6 (1984) No. 4 *Human Rights Quarterly*, 400

[2] Timothy Fernyhough, "Human Rights in Pre-Colonial Africa," in Ronald Cohen, ed., *Human Rights and Governance in Africa* (University Press of Florida, 1993) 42.

[3] C. Potholm, *The Theory and Practice of African Politics* (Englewoods Cliffs: Prentice-Hall, 1979) at 1-4.

[4] See Peter Lloyd, "The Political Structure of African Kingdoms," in *Political Systems and the Distribution of Power*, American Sociology Association Monograph No. 2 (New York: Praeger, 1956), at 107. cf. *ibid,,* 7.

[5] Potholm, *supra* note 3 at 11.

underdeveloped. Again, with the introduction and imposition of the notion of civil society in African societies in the wake of the globalisation era, no conscious effort was made to examine the cultural-historical origins of civil society in African societies and their subsequent repression in the colonial and post-colonial eras. Without such a historical analysis, the proper role and place for civil society as a factor in human rights and development cannot be captured.

This paper aims to show that elements of "civil society"[6] may be found among political systems in Africa, taking the traditional Akan political environment and philosophy as an illustrative.[7] Yet, one of the institutional components of traditional African political systems that European philosophy, anthropology, ethnophilosophy and political science failed to recognise is its "civil society." The suppression of a traditional notion of "civil society" paved the way for importation of the Western European colonialists' own version of civil society into the Gold Coast (covering the Akans) and Africa as a whole, imposing it on African peoples and assigning to them the status of subjects, not citizens, in this civil society.

While there are different brands and notions of civil society,[8] this work will simply refer to civil society as the space that the citizenry has carved for itself to enable it learn more about their rights and how to exercise them at the micro (private – personal and familial) level so as to be politically-conscious (at the macro or community/national level) and thus be in a position to protect their interests, make claims and contribute to general community development.

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[6] Like "rights," "civil society" is used here as a Western terminology but with a peculiar meaning located in Akan traditional system and referring to socio-economic and political organisations that existed in the community and acted as a means of complementing and/or acting as a check on traditional authorities.
[7] *Ibid,.* Also, See G. Ayittey, *Indigenous African Institutions* (Transnational Pubs., Inc., 1991).
[8] See e.g., Michael Foley and Bob Edwards, "The Paradox of Civil Society," in (1996) Vol. 7 No. 3 *Journal of Democracy*, 38-52, Chantal Mouffe, ed., *Dimensions of Radical Democracy: Pluralism, Citizenship, Community* (London: Verso, 1992); Robert Putnam, *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton: Princeton University Press, 1993).

An Historical Analysis of Akan Traditional Concept of "Civil Society"

In its process of metamorphosis, the Akan community could be said to have passed through three stages – *communal, political* and *advanced political*. This historical process has been experienced across Africa – the pre-colonial, colonial and post-colonial stages respectively – and is associated with different modes of socio-political system. The socio-political systems affect the nature of community organisation associated with each stage of metamorphosis and the type of rights that become due for exercise or enjoyment.

Under the Akan traditional political system "civil society" existed at the three stages of community metamorphosis. At the *communal* stage "civil society" remained mainly inchoate, informal and socio-economic in focus. The principal goal was to help overcome obstacles to development – namely, conquering the natural habitat and making it habitable and survivable.[9] Thus, at the *communal* stage, the structural pre-determinations that affected development were not economic and political power, but the natural environment. Participation in community affairs at this stage is limited to efforts to control the natural environment within a particular community by its members. One is unable to discern traces of traditional governmental or non-governmental structures or entities in action at the *communal* stage in Akan communities.

At the next stage - that is, the incipient *political* stage - the government-people relationship is not structurally delineated since the formation of government is at its embryonic stage. Participation is more or less face-to-face and direct, but not representational; the gap between the people and government is very narrow. It is therefore advisable to talk of the presence of "quasi-non-governmental organisations."

Despite the lack of formal, modern political structures, in both the *communal* and *political* stages, a political culture of group action was deeply embedded in pre-colonial Akan society (and in Africa as a whole).[10] Participation in the community centred on

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[9] Some detailed analysis is offered below.
[10] Naomi Chazan, *et al, Politics and Society in Contemporary Africa* (Boulder: Lynne Rienner Publishers, 1988), at 73.

mobilisation, organisation, decision-making, planning, implementation, evaluation, sharing and protecting the benefits of collective projects.[11]

Indeed, it might be said that a proliferation of civil society structures occurred at the *political* stage. One of the associations that composed civil society at this stage is identified among the Akans as the *Asafo* companies (or mobilisation squads).[12] This group had their own chief who was a member of the Council of Elders. The principal function of this quasi-governmental group was military: to act as a watch group, provide early warning systems against invasion by other tribes, and to go to war. Responsibilities also covered non-military issues such as mobilising people at short notice to deal with emergencies flowing from natural disaster, disease, etc. The people therefore had a significant input into the effectiveness of the *Asafo* companies since they acted as the source of information, the mobilising agents and actors all wrapped up in one.

There were principally two types of associations that were membership-based. One was economic-focused and the other founded on age. They therefore cut across kinship lines. The age-set associations dominated the political life of most traditional African communities and was a popular concept among the Universal Segmented and the Ritually Stratified Segmented systems. Similar association groups existed under the Association Monarchy. Examples include the Poro and Sande societies which were exclusive men and women clubs, respectively. The third type was economic in orientation and was devoted to promoting the economic interests of its members basically in the area of farming, hunting and fishing. For example, Ashanti farmers had what they called *Nnoboa*[13] groups.

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[11] Similar institutions were formed in other African political communities. E.g., the *Elegbe* age-group among the Yorubas. See O. Omoni, "Formation of Town Associations among the Yoruba: A Response to Colonial Situation," Jan/July 1991, No. 38 *A Journal of West African Studies*, 128 at 129. Also, talking about institutions among Ibos, Ayittey writes that they were so distrustful of central government that they dispensed with chiefs. They adopted a segmentary type of government which consisted of two basic institutions: the *Ama-ala* (council of elders) and the village assembly of citizens. Ayittey, *Africa Betrayed* (New York: St. Martin's Press, 1992), at 258.

[12] "Asafo" is derived from two Akan words, "asa" for war, and "fo", used as suffix for people. Asafo therefore literally means warriors or war people. Some of its characteristics resemble those of modern-day development NGOs.

[13] *Nnoboa* literally means 'helping to weed.' Thus *Nnoboa* groups involved themselves in weeding the farms of their members in turn.

One type of pressure group was associated with the Pyramidal Monarchy in traditional African political systems. Among the Akans, this group was made up of the *young men* in the polity.[14] One needed not be a member of the royal family to be a leader or a member of this group. Membership was offered to, indeed, all the *youth* of the village and the group had a larger agenda that embraced the interest of other non-royal members of the village or town. They acted as a pressure group on the government. Unlike the Asafo companies, the *young men* took part in government "outside parliament," the reason being that the office of their leader, the *Nkwankwaahene*,[15] was not included in the Council of Elders. The Council, together with the chief, formed the government. Yet, though not occupying any official place among the elders, the *Nkwankwaahene* was officially recognised as the representative of the commoners. Busia describes the group thus:

> They [the *young men*] would come as members of their respective lineages, but they also formed an unofficial body having a recognised and effective way in which they expressed their will not only about elections of the chief but on all matters affecting the tribe.[16]

Thus the *young men* committed themselves to promoting, protecting and instilling the basic tenets of human rights and democracy in the community by holding the government accountable to the people. Unlike the age-set associations, these groups had a wider mandate, which is to protect the interests of all. It needs to be noted, however, that the categorisations made above are not perfect. For example, among the Fantis of the Central Region of Ghana, the role performed by the *young men* here are performed by their Asafo company. This is in addition to the social/civic functions performed by Asafo group among the Asantes and Akims. Chukwukere describes it thus:

> "Asafo companies, for example, performed an important political function, viz. they formed the 3rd estate without which no native form of government is possible … Their role here is the equivalent of the young men led by the <u>Nkwakwahene</u> in Ashanti political organisation … In modern parliamentary government they would be an "opposition" of a type."[17]

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[14] Busia refers to them as the *commoners*.
[15] *Nkwankwaa* is another word for youth or young men and *hene* is chief. *Ibid.*
[16] Ibid, 9.
[17] See B.I. Chukwukere, "Cultural Resilience: The Asafo Company System of the Fanti," Research Report Series Paper No. 3, Cape Coast, 1970.

Political Participation amongst "Civil Society" in Colonial Africa

"Civil society" in most traditional African communities was to undergo a two-way transformation under colonialism. First, the pre-colonial traditional civil society remained in the rural setting, but in a weakened position.[18] Second, their offshoots, with new foci and characteristics, began to emerge in the burgeoning urban centres. But, as is examined below, the nature of the development agenda the departing colonial powers implemented in Africa did not enable the continued functioning of these organisations so that they would be able to resist subordination and demand their inclusion into national political structures. The principal causes for this development were political and socio-economic.

Politically, the imposition of indirect[19] and direct[20] rule by the colonial authorities is to blame. Indirect rule was packaged as "the progressive adaptation of native institutions to modern conditions."[21]   While Busia seems to agree with these definitions, I find them ethnocentric as they imply a devaluation of traditional African political systems. In reality, indirect rule was only a subtle, face-saving attempt to rule the colonised people through their traditional political authorities. In some cases, it involved an effective foisting of colonial government-sponsored chiefs on the people where the legitimate chiefs were unwilling to collude with the anxious colonialists. It was at the same time a means to provide a short-cut to the checks and balances inherent in the traditional political systems and facilitated plundering of the resources of the colonised people.

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[18] This view challenges that of Chazan *et al* that "in the colonial period, the associational basis of social life continued and often intensified." Chazan *et al, supra* note 10.

[19] Mainly in British colonies. E.g., see Ray Y. Gildea, Nationalism and Indirect Rule in the Gold Coast 1900-1950: The Specific Economic and Cultural Factors leading up to the Current Situation (New York: William Frederick Press, 1964); and, J.A. Atanda, The New Oyo Empire: Indirect Rule and Change in Western Nigeria 1894-1934 (New York: Humanities Press, 1973).

[20] Principally in French colonial territories. For detailed analysis of this concept and its application in French colonial territories, see, e.g., Raymond Betts, *Assimilation and Association in French Colonial Theory, 1890-1914* (New York: AMS Press, 1970); and, Michael Crowder, *Senegal: A Study of French Assimilation Policy* (London: Banners and Noble, 1967).

[21] Busia, The Position of the Chief in the Modern Ashanti Political Kingdom: A Study of the Influence of Contemporary Social Changes On Ashanti Political Institutions (London: Oxford University Press, 1951) at 105. He quotes Lucy Mair, Native Politics in Africa (London: Routledge, 1936) at 56. Busia also cites another definition: "the system by which the tutelary power recognizes existing African societies and assists them to adapt themselves to the functions of local government." But indirect rule is only part of the process of the political modernisation that was imposed on Africa at independence. See infra.

Chazan *et al* are therefore right in arguing that "colonial administrations in most parts of the continent viewed coherent groups as desirable precisely because they facilitated control."[22] However, I do not agree with Chazan *et al* in arguing that this arrangement "encouraged the persistence of existing social structures, and frequently, traditional political units."[23] By incorporating groups into the colonial structures their original traditional roles became compromised. This situation is actually one of the causes behind the youth migration to the cities.

Traditional "Civil Society" in the Urban Setting

Politically, indirect rule led to reduction in the status and prestige of the chiefs and dissatisfaction, especially among the youths who hitherto had been able to exercise their panoply of rights under the umbrella of the *young men* associations.[24] Socio-economically, colonialism had to create towns with seaports and/or warehouses to facilitate trade with the satellite states. Hodgkin puts it this way:

> The cause of their [the towns'] existence, the basis of their economic life, is not factory industry but commerce. They have been brought into being to meet the needs of European trade. Their main function is to drain out of Africa its ground-nuts, palm-products ...; and to pump into Africa European consumer goods.[25]

The emergence of urbanism and the imposition of indirect or direct rule in the rural areas led to an influx of youth into the towns to find a new life and identity.[26] Yet, the harshness, uncertainties and individualism associated with town and city life, the fear of

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[22] Chazan *et al*, *supra* note 104 at 73.

[23] Ibid.

[24] For detailed analysis see, Busia *supra* note 21 at 105-110; and, the *Colonial Reports: Ashanti, 1909-26*. E.g., Busia quotes the report, *inter alia*, that "in the case of Bekwai, for instance, the "youngmen", that is say the lower classes, those who were not Elders, complained that they were not consulted in the choice of the Headchief, that they did not regard him as a credit to the Stool ..." *Ibid*, 107. See also O. Omoni, *supra* note 11 at 129 who argues: "The non-recognition of such associations and their political importance removed this machinery for consultation between the younger and older elements in the society. This thus reduced the number of people or groups involved in the administration of the Yoruba communities."

[25] Thomas Hodgkin, *Nationalism in Colonial Africa* (New York: New York University Press, Inc., 1957) at 65.

[26] See O. Omoni, *supra* note 11. Yet, one cannot rule out other factors such as the prospect of jobs and also the fact that the African political system itself could be oppressive, as one finds, e.g., under the Centralised Monarchy. See also Eze who contends that certain abuses were prevalent in the traditional political systems. Osita Eze, *Human Rights in Africa: Some Selected Problems* (Lagos: Nigerian Institute of International Affairs & Macmillan Nigerian Publishers Ltd., 1984).

losing one's identity and background, and most importantly, of the rights that they enjoyed under traditional rule[27] led to the formation of tribal/lineage affiliations, improvement associations and village and town youth groups.[28]

Colonialism represents the arrival of the *advanced political* stage. The new ruling group was the colonialists who came to dislodge the youth and the rest of the colonised people from the development structure that the traditional political system was able to build. The youth/tribal/improvement associations therefore represented a means by which the people sought to restore themselves in the traditional structure where respect for traditional rights were encouraged and flourished. In addition, the more politically conscious elements of civil society focused their opposition to indirect rule upon both their chiefly and colonial authorities. One can mention the Ashanti Youth Association (AYA), which was an offshoot of an amalgam of disenchanted young men from the various *commoners* in their villages.[29] In most cases, however, these tribal/youth/improvement associations were only politically assertive in an indirect, unconscious and unorganised manner. Their principal goal, at the start of their formation, was to promote and protect their rights in a negative fashion. That is to say, not to demand new rights which were ripe for exercise, but rather to fight to preserve what had been present under the traditional political structures. The goal was to use these traditional rights as a basis to develop themselves and thereby continue to contribute to the development of their village communities.[30] These associations, therefore, in a sense, provided the basis for a social/traditional

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[27] They were not just on the verge of losing their traditional rights but also no new rights were in place for them under colonial rule in the cities and towns. As argued in Chapter 1, new situations, conditions and needs create the urge for the articulation and claim for new rights to be exercised and/or enjoyed. Such a situation occurred under colonialism but there was no room for their recognition and exercise of such new rights.

[28] Hodgkin outlines some other related factors and enumerates some of the names they are identified with as "Improvement Unions, Improvement Leagues, Welfare Leagues, Community Leagues, Patriotic Unions..." Hodgkin *supra* note 25 at 86.

[29] One can also mention *Jeunesse Togolaise* in Togo and *La Goumbe* in Cote d'Ivoire. *Ibid,* 89.

[30] For the less political/radical associations, the focus was therefore upon socio-economic and cultural rights. Under the cultural was merged the political. The reason is that the rights exercised by these original youth/tribal/improvement associations did not have the goal of challenging the colonial authority in terms of demanding new rights for exercise or demanding the overthrow of colonialism. These groups were more of the "expressive" type identified by Gordon and Babchuck, "A Typology of Voluntary Associations," (Feb 1959) *American Sociological Review,* 24 at 22-29 (attending to the needs of fellowship, security, etc for its members only). For the more radical groups one has to delineate the political factor from the cultural since they fall into the instrumental type of organisation.

security net. One notices that today such bodies are derivatives of "civil society" that existed under the traditional political systems. For example, the idea of youth groups today developed from the age-set and *young men* associations. The improvement associations are also conceptually linked to the Asafo companies.[31] However, because their development was not encouraged, the human rights NGOs of today do not trace their roots to the traditional human rights "NGOs" such as the *young men* associations and the political aspect of the Fanti Asafo company.

The above analysis shares Ross' two-fold approach to the study of ethnicity in urban areas.[32] One approach views the role of ethnic associations as a demonstration of "certain cultural forms" or "ethnic behaviour," and the other as providing a form of identification and a basis for social action. The first sees urbanisation as a cultural assimilation and detribalisation factor and looks at how to adopt manifest actions to maintain one's identity in the melting pot. The other focuses on group difference within the urban environment and sees the ethnic organisation as a basis of social organisation "that mobilises people to act as corporate groups for social and political purposes."[33] The second approach deals with how immigrants who move to towns and cities use the skills and experience they acquire in the city as a tool for political action and social change.[34]

Applying both approaches in the analysis of transformed traditional "civil society" in the nationalist struggle, one may discern three ways in which these tribal/youth associations contributed to the development of African nationalism. First, by acting as the

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[31] A good number of these groups are still registered in Ghana today (and most probably other African countries) as NGOs by the Ghana Association of Private Voluntary Organisations in Development (GAPVOD).

[32] Marc Howard Ross, *Grass Roots in an African City: Political Behavior in Nairobi* (Cambridge, Mass: The MIT Press, 1975) at 56. Ross' first and second approaches share similar trends with the "instrumental" and "expressive" forms of associations, respectively. The difference lies in the fact that Ross limits his work to ethnic associations only.

[33] Ibid.

[34] See Ross' argument against the "Melting Pot" approach to ethnicity at *ibid,* 60. Gerry Salole's analysis of the Edirs in Ethiopian urban life depicts the Edirs as playing both roles. In one breath he describes the Edirs (which began as "innocuous burial, mutual, and rotating credit societies) as "essentially *coping mechanisms par excellence* which have evolved in the urban and rural context, and played a crucial role in the *building of social infrastructure* in the absence of family, ethnic group and government *security or social welfare systems. The Edir* institution provides, therefore, a safety net which especially protects the vulnerable." He mentions further that they functioned as "incipient labour organisations." See G. Salole, "Not Seeing the Wood for the Trees: Searching for Indigenous Non Government Organisations in the Forest of Voluntary Self Help Associations," (1991) Vol. 6 No. 1, *Journal of Social Development in Africa,* 5 at 8, 9.

link between the towns and the villages and disseminating information and directives from the former. Second, by offsetting the Europeanising influences that culturally assimilate, detribalise and disempower the people. Third, by providing education for an African elite through scholarships and the founding of their own schools.[35]

Non-Ethnic-based "Civil Society."

Among these societies are old boys clubs and market women's associations. Patterned on the lines of age-set associations, the membership of these associations cuts across ethnic lines and yet had an initial inward focus for members only.[36] The former was basically social in outlook, devoting itself to sporting, cultural and related activities. Yet, it is interesting to note the political transformation most of these old boys associations underwent to promote or engender trade unionism and become political frameworks in which nationalist leaders sought refuge to articulate and share nationalist ideas, plan anti-colonial strategies and train leaders.[37] For example, Hodgkin makes us aware that the Bamako *Association des Anciens Eleves du Lycee Terrasson de Fougeres* was the force behind the formation of the first trade union in the French Sudan in 1937.[38] Chazan *et al* also observe that almost every nationalist leader made his political career in a voluntary or economic organisation.[39] The women's associations were committed to improving the lot of women by organising cooperatives (for bakery, weaving, etc), social events, etc. Yet they also became a force to reckon with in anti-colonial politics, not only fighting for

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[35] Hodgkin *supra* note 25 at 87.

[36] Another active group in the anti-colonial struggle was the church (in some of its manifestations). A church, however, *stricto sensu,* does not fall under the definition of an NGO, though it is a voluntary association. They are therefore not covered under this sub-heading. Yet, one need be appraised of the fact that a church-related international NGO, the Universal Negro Improvement Association led by Marcus Garvey, was instrumental in establishing the radical independent African churches as an mechanism for liberation.

[37] Chazan *et al*, *supra* note 10 at 73.

[38] Hodgkin also mentions the role of the Old Achimotan Association of the then Gold Coast in organising and conducting evening classes for workers in the city of Kumasi, and the formation of the Workers' Affairs Association, the trailblazer of the modern Sudanese trade union movement, by the Technical School Old Boys' Club at Atbara. Hodgkin *supra* note 25 at 88, 89.

[39] They mention, *inter alia,* Houphouet-Boigny as having belonged to the *Syndicat Agricole Africain*, Nnamdi Azikiwe in the Ibo State Union and Julius Nyerere in the Tanganyika Teachers' Association. Chazan *et al*, *supra* note 10 at 73.

the rights of women worsened under colonialism but also fighting alongside to overthrow the vestiges of colonial rule itself.[40]

In sum, one can identify the following groups under pre-colonial and colonial dispensations: kinship groups, associational groups and the communitarian (a hybrid of the first two). Together, these *communal* groups lay the foundation for understanding the nature of the high level of social pluralism that is characteristic of Africa.[41] The associational and communitarian groups became the civil society that would have graduated to the level of the *young men* associations and play an instrumental role in the anti-colonial struggle.

Referring back to Ross, while his first approach concentrates on ethnic identification, the second deals with how immigrants to cities use their experiences and skills as an effective means for political action.[42] Relating this approach to the relationship between political participation in the anti-colonial mass movement and one's links with the rural areas, it is suggested by Ross that the relationship is negative.[43] This meant that political participation in the urban areas was based on *Gesselschaft*.[44]

Political participation by these associations, both ethnic and non-ethnic, was based on the level of participation within them – their internal democratic practice. This important point is, however, not touched on by Ross in his work. Rather, Ross relies on the criteria of individual disposition and resources, in terms of, *inter alia*, the social status, scale of social relations, lifestyle and ethnicity of the person.[45] This analysis is defective in examining the "capture" of whole groups and co-opting them into mass nationalist

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[40] *Ibid,* 90, 91.

[41] Ibid, 79.

[42] Ross, *supra* note 32.

[43] The correlation is in respect of social ties that can be politicised to help enhance an individual's ability to win political office. Hence it did not have to do with the ability of tribal/youth/improvement associations to link up with the rural areas and contribute to development. It also did not have to do with the maintenance and preservation of some traditional lifestyles as a stumbling block to the politicisation of the individual.

[44] A German expression in reference to association participation defined as "purposeful alignment on the basis of a perceived interest." See Ross *supra* note 32 at 105, 106. For detailed analysis on the concept of *Gesselschaft* and its opposite term, *Gemainschaft* see, Leon Trakman, *Reasoning with the Charter* (Toronto: Butterworths, 1991) at 76ff.

[45] Ross *supra* note 32 Chapter 6. One can accommodate Ross' reliance on these factors since in most instances he seemed to be concentrating on individual, but not group, participation which is the focus of this work.

movements. The reason is that the focus of Ross' analysis tends towards the creation of individual charismatic leaders who end up becoming career politicians.

Yet, the very point that I attempt to explain here is group-based motivation and mobilisation. Members of a deprived group may use a group approach to advance their lot or use the political process to reduce their level of deprivation. This involves the ability to create group awareness or consciousness of their peculiar socio-economic and political position in order to motivate them into action, cancel out their lower socio-economic status and lead them to higher levels of participation. In group-based mobilisation, therefore, activity level is determined by self-consciousness, not status. This analysis confirms Ross' later finding that "social status will be negatively related to the independence style participation and positively related to the post-independence style."[46]

The level of participation within these groups was fairly democratic due to the antecedent experience that informed their formation. Group members were generally ready to co-operate with their group leadership since they were largely involved in participation from the decision-making stage to institutional formation. Evidence of effective participation is also discernible from the success attained in group-based mobilisation since the members of the group felt equal in their status in order to be motivated to act as a body against those in the upper echelon of the society. Defective or unequal participation was seen in the style of colonial administration but not the internal administration and organisation of traditional NGOs. A typical example was the issue of indirect rule which limited the participation of colonised peoples in national politics to implementation, and the chiefs to mobilisation only. This process constrained participation to include only the defective types.

Dissatisfied with the level of participation at the national level, it was little wonder that the nationalist leaders made political capital out of the presence of these "NGOs." By exploiting their lack of representation in national politics, the nationalist leaders were able to co-opt them into the mass organisations they formed to fight for independence from colonial rule. Most of these associations therefore became politicised, or had their resources channelled into the mass nationalist movements that came into being in the heat

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[46] Ross, *supra* note 32 at 102.

of the anti-colonial struggle.[47] Drawn together by dislike of colonial policies, and convinced that self-government would help resolve most issues, members of a wide variety of groups coalesced in congresses, often led by charismatic individuals.[48] Colonialism presented the African with a common opponent, forcing the African to overcome tribal, linguistic and regional divisions. It was therefore a wise political calculation by, e.g., Kwame Nkrumah, the first president of Ghana, to rally into his socialist-oriented party the so-called "verandah boys" (commoners) or "standard-seven boys" (middle school graduates).

Introduction of Western Civil Society in the Colonial Era

It has already been mentioned that socio-economic groupings, informed in their goals by their traditional counterparts, which acted as *communal* and *civil* groups in the pre-colonial political establishment, were formed to cushion the harsh effects of urban life and colonialism in general. The organisation of such groups confirms the fact that colonialism did not have in place a social welfare policy to help the colonised people overcome the shocks and harshness associated with the forced graduation to the *advanced political* stage. Apart from local initiatives, two other groups of foreign origin got involved in providing social work and assistance. These were the missionaries and voluntary agencies which appeared on the scene in the 1920s and 1930s and concerned themselves with problems of the blind, youth, women, prisoners, etc.[49] The voluntary organisations "were modelled almost completely after, and usually supported by, their Western counterparts"[50] and were often started by the wives of government officials. But the problem with these organisations is that they had indirect and overtly personal

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[47] E.g., AYA joined hands with the CPP in the Ashanti Region of Ghana and later the National Liberation Movement (NLM) that fought for Ashanti autonomy. *Juvento* is also on record as having played no mean role in the unification and independence of Togo, while *La Goumbe* acted as the local propaganda agency for the *Rassemblement Democratique Africain* (the leading party in Cote d'Ivoire founded by its first President Houphouet Boigny). See Hodgkin, *supra* note 25 at 89.

[48] Claude Welch, Jr., Protecting Human Rights in Africa: Roles and Strategies of Non-Governmental Organizations (Philadelphia: University of Pennsylvania Press, 1995) at 42.

[49] Adelaide Hill, "The Administrative Structure for Social Welfare in West Africa," in St. Clair Drake and T. Peter Omari, *Social Work in West Africa* (Report of The Seminar on Social Work in West Africa) (Accra: Ghana Publishing, 1962), at 43.

[50] This process has remained the model followed by international NGOs in their operations in Africa under the NGO revolution being experienced during the post-Cold War international order. See below.

motives for engaging in social work. While the missionary offered help with the goal of winning converts, the purpose of the elite ladies was to seek an escape route for their energies.

The more insidious aspect is the paternalistic manner in which they looked on their beneficiaries as objects of benevolence deserving of aid.[51] This attitude has contributed to configuring the case of the poor as charity cases, people in a despondent state of dependency and helplessness. The discourse, however, has now shifted to the use of more benign but equally insidious terminology such as "self-help," "upliftment," "empowerment," etc.[52] Other voluntary organisations which existed around this time included the Young Men and Women's Christian Associations (YWCA and YMCA), the Scouts, the Guides, the Boys' Brigade and the Red Cross.[53]

The reason for inaction on the part of the colonial authorities to promote social welfare is not hard to grasp. As rightly argued by Hill, the political goals of any society influence the character of the social services sought or provided in that society. As colonies, West African countries did not receive full measure of social services – in the first instance, perhaps because of the cost involved, but also because of values held by the colonisers toward their colonies.[54]

Changes were introduced for the first time in the 1940s through the concept of community development (mainly in the rural areas) and social service centres in the urban areas. In fact, it is understood that the community development concept was conceived in the 1920s, but its implementation was delayed until the 1940s when the British started exporting the model for application in their African dependencies.[55] According to Hill, the changes were induced not by African nationalism but "by the

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[51] See an analysis of the common law position on defining charity below.

[52] Deborah Mindry, *Feminizing Humanity: Philanthropic Modes of Power and Rhetorics of Difference in South Africa*. Ph.D dissertation, University of California, Irvine. Presented at Rockefeller African Development Dissertation Workshop, Westerbeke Ranch, California, Feb. 5-9, 1997. Copy on file with author, a participant at the Workshop. See details below.

[53] Hill, *supra* note 49 at 47.

[54] *Ibid,* 43,44.

[55] A. Manghezi, *Class, Elite, and Community in African Development* (Uppsala: Bohusläningens AB, Uddevalla 1976) at 40. The reason for its implementation around this time was due to "the new horizons [that were] opening up" which called for colonial governments to begin looking towards development and expansion. See Peter du Sautoy, *Community Development in Ghana* (Oxford: Oxford University Press, 1958), 22.

issues and responsibilities stemming from the second World War."[56] It is interesting to note that the emergence of social welfare in the colonies coincided with the coming into effect of the Keynesian welfare state in Western Europe and North America.[57]

Traditional "Civil Society" as a Tool for "Community Development"

According to the above analysis, the emerging civil society in African societies should have been allowed to flourish. These groups and associations would have done a more effective job of catering to the needs of the people, in consonance with their culture. However, a different role was to be assigned them – as tools for implementation of the community development concept. One of the methods that the colonial system designed to ensure effective control over the lives of the colonised, but which on the face of it, seemed a sort of decentralisation of power and therefore a benign form of colonialism was the concept of "indirect rule." Indirect rule was packaged as "the progressive adaptation of native institutions to modern conditions."[58] While Busia seems to agree with these definitions, I find them ethnocentric as they imply a devaluation of traditional African political systems.[59] Thus, the traditional voluntary methods were exploited, as part of the mechanics of indirect rule, to impose the community development concept on the people. Osei-Hwedie recognises three basic aspects of indigenous voluntary

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[56] Hill, *supra* note 49 at 44. It was in 1940 that the purposes of the *Colonial Development and Welfare Act* in the United Kingdom were broadened to enable colonial administrators to attach some seriousness to the issue of social welfare which was far overdue. But there was reluctance on the part of British to implement this Act. This attitude is reflected in the wholesale importation of the British model to its colonies without considering the differences in structure, traditions, intellectual values and concepts. Thus Hill argues that there was initially little experimentation or even determining of community preferences in the introduction of welfare services. The second factor was that they only wanted to implement policies on those social services which could be supported by revenue from the particular colony concerned. *Ibid,* 44,46.
[57] See a brief analysis of the Keynesian theory below.
[58] Busia, The Position of the Chief in the Modern Ashanti Political Kingdom: A Study of the Influence of Contemporary Social Changes On Ashanti Political Institutions (London: Oxford University Press, 1951) at 105. He quotes Lucy Mair, Native Politics in Africa (London: Routledge, 1936) at 56. Busia also cites another definition: "the system by which the tutelary power recognizes existing African societies and assists them to adapt themselves to the functions of local government." But indirect rule is only part of the process of the political modernisation that was imposed on Africa at independence. See infra.
[59] In reality, indirect rule was only a face-saving attempt to rule the colonised people through their traditional political authorities. In some cases, it involved an effective foisting of colonial government-sponsored chiefs on the people where the legitimate chiefs were unwilling to collude with the anxious colonialists. It was at the same time a means to provide a short-cut to the checks and balances inherent in the traditional political systems and facilitated plundering of the resources of the colonised people.

methods[60]: the concept of community self-reliance,[61] voluntary action based on kinship obligations,[62] and humanitarianism.[63] He concludes that of these three the community co-operation aspect is the most important, "as societies favoured and promoted community self-reliance, co-operation and self-help."[64] Within the framework of the community co-operation concept can be situated the operations of the *Asafo* company.[65]

Community development was described as a method for getting backward people in the right frame of mind for doing things. It also has to do with "social disequilibrium, sense of frustration, of inferiority and even of persecution". Politically, community development sets out to achieve a hopeful "climate" in which government and people may cooperate and human capacity be developed. In Cyprus, Fiji, Aden, East and Central Africa, the West Indies and Malaya, community development is concerned with hastening the processes of unifying the various communities within a plural society. This includes attempts to find motives within the various societies and to initiate processes there that may prove strong enough to remove group fears.[66]

Community development was also meant to put in place institutions that would survive colonialism and form part of the post-independence system.[67] It involved mass education, public administration, the provision of basic necessities of life, roads,

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[60] K. Osei-Hwedie, "Voluntary Agencies and the Promotion of Mental Health," (1989) Vol. 4 No.2 *Journal of Social Development in Africa*, 49 at 51. See also: Yaw A. Badu and Andrew Parker, "The Role of Non-governmental Organisations in Rural Development: The Case of the Voluntary Workcamps Associations of Ghana," (1994) Vol. 9 No. 1, *Journal of Social Development in Africa*, 27, at 30; Gerry Salole, *supra* note 34, who deals with indigenous NGO formation and development in Ethiopia; and O. Omoni, *supra* note 11.

[61] This involved community co-operation to solve problems, based on the internal strengths and resources of those in the community. The benefits went directly to the community, ie those involved in the action. *Ibid.*

[62] This falls into the category of membership organizations.

[63] This called for helping somebody, or doing something on behalf of someone, without receiving any direct benefit, or even hoping to be paid back in kind. *Ibid.*

[64] Ibid.

[65] A critique of Osei-Hwedie's analysis, however, is that membership organizations were not limited to kinship organizations only.

[66] S. Milburn, UN Series on Community Organization and Community Development, No. 21: A Study Prepared for the UN (New York, 1954-55).

[67] This is the most plausible conclusion one could come to after analysing Peter Hodge's perspective on the origin of the concept of community development. See Hodge, "The Future of Community Development," in A. Robson and B. Crick, eds., *The Future of the Social Services* (Harmondsworth, England: Penguin Books, 1970), at 66, 67. Examples of such institutions include the Department of Social Welfare and Community Development which still exists in Ghana today but is subsumed under the Ministry of Youth and Social Welfare.

community centres, markets, etc.,[68] acquisition of skills for house-building, carpentry, shoe-repairing, etc. "Development areas" were then demarcated and established, with schools to train recruits who would then go back to the villages or stay in the communities to impart their knowledge, "thus enabling "development" to take place."[69] It was believed that community development would contribute to "good order, progress, and stability" in "developing [African] societies."[70] It is important to observe that human rights was absent in the formulation of community development policies.

The ability of the colonial authorities to work the concept through the traditional NGOs made it a seeming "success."[71] Kojo Amanor, *et al*, have this to say regarding the relationship between traditional NGOs and community development:

> These [community] organizations have a long history, rooted in pre-colonial village and town associations which were charged with the upkeep of the social amenities of communities, including sanitation, roads and paths. During the colonial period communal labour formed an important part of local administration.[72]

The form of participation that went with the development which was attained under the notion of community development involved the defective types: "ceremonial" or "support,"[73] the "pseudo,"[74] "the unreal"[75] or "partial" types.[76] It involved the management of a community development project by administrators with business training and background and the people looked on as workers to be employed and disciplined into working hard to achieve the economic targets of the project. The

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[68] K. Amanor et al, "Ghana: Country Overview," in Kate Wellard and James Copestake, eds., Non-Governmental Organizations and the State in Africa: Rethinking roles in sustainable agricultural development (New York: Routledge, 1993).

[69] Ernest Mulube, "The Role of Community Development in National Development," unpublished diploma thesis in Social Policy (Institute of Social Studies, The Hague, 1969). cf. Manghezi, *supra* note 55 at 41.

[70] A. M. Phillips, "The Contribution of Community Development to Political Stability," in (Oct. 1969) Vol. 4 No. 4 *Community Development Journal*, at 189.

[71] *Ibid,*, 41. The success of the concept in Ghana is said to have influenced its immediate adoption in the Francophonie.

[72] Amanor *et al*, *supra* note 68 at 183.

[73] Where citizens "take part" by expressing support for the government marching in parades. Surrendra Vettivel, *Participation & Sustainable Development: Theory and Practice in Government and NGOs* (New Delhi: Vetri Publishers, 1993) at 15.

[74] The situation in which members are induced to agree to decisions already taken. *Ibid.*

[75] Where participation is a mere smokescreen due to the decisional outcome being structurally predetermined. *Ibid.*

[76] The process by which the final power to decide rests with one party only. *Ibid.*

project director and personnel thus see their role as monitoring, helping the people to get inserted into the present structure and not changing the structure itself.[77]

This assertion challenges the claim that community development offered the rural communities the opportunity to exercise and enjoy their rights, or that community development was to usher them into that state of rights exercise.[78] It is rather noticed that both *socio-economic* and the *political* civil rights were abused. As noted earlier, participation in *socio-economic* civil rights starts from the time of organisation and mobilisation of the people at the community level to protection of the gains that would result from development. That is, from the time of the first exercise of rights *to do*. But it is observed that, rather, participation is considered to have taken place at the time that duties are to be performed. That is why ceremonial, partial and other forms of un-free participation are the order of the day with the community development. Effective socio-economic participation is guaranteed by effective political participation. When political participation is not guaranteed community development projects are planned from outside the country or by the political elite at the national or local level and imposed on the community. The people cannot protest against this imposition on the grounds that they do not have the right to exercise their political freedoms. On the other hand, even if they are allowed to decide on and plan their own projects but their right to property is not guaranteed they will not be able to protect the gains that would accrue to them from abuse by the government or powerful non-state actors. In such cases full or real participation is not made possible. Yet, this is the nature of the community development that was practised under the colonial era and imported into the post-colonial. In all of the projects no mention was made of promoting, educating or protecting the rights of the local people. The emphasis was on "mass education" to remove "the supposed *psychological obstacles* (lack of initiative)[79] that were alleged to inhibit the societies of

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[77] Desmond D'Abreo, From Development Worker to Activist: A Case Study in Participatory Training (Mangalore: DEEDS, 1983) at 164. See Appendix F.

[78] Pierre de Schlippe argues further that community development could act as an instrumental organ to ensure promotion of the re-instatement of the rights of deprived communities. Pierre de Schlippe, "The Theory of Community Development," in J.A. Ponsioen, ed., *Social Welfare and Policy: Contribution to Theory* (The Hague: Mouton & Co., 1962), 87.

[79] The lack of initiative as an original state of the rural African is said to contribute to the creation of a cycle of poverty: lack of initiative goes with apathy and no desire to participate which leads to inability to discern or appreciate problems. As a result nothing gets done. This in turn does not lead to improvement in the

underdeveloped nations from embracing and assimilating the "positive" cultural values of Western capitalist societies;"[80] and to provide the communities with their "felt needs." Community development, which was sought to be attained through traditional "civil society," nearly killed the spirit of participation that permeated the Akan traditional "civil society."

Differences between Western and Akan (African) Notions of Civil Society

The preceding sections reveal that there are some differences between the concept of "civil society" as developed in Western Europe and the Akan political community. The Western philosophical conception of the process of rationalisation of the state posits the natural state (the pre-state or anti-state)[81] that is portrayed as negative and where the people could not enjoy their rights in the absence of a state structure. However, in the Akan context, there is a pre-state which is not anti-state, neither is it depicted as a negative moment. It can be posited as representing a "positive" moment in the sense that rights exercise did take place in the pre-state.

Another difference is that *communal* associations existed at the *communal* stage in traditional African communities. These took care of religious, social and economic issues in the community. They may correspond with Taylor's first type of civil society in the Western context. But Taylor's notion of such society seems mythical since he admits that civil society actually started beyond the state of nature. Also such a community cannot exist without the tutelage of state power.[82] Traditional "civil society" (*ekuo* – groups) constituted part of the development structure. The *oman* developed out of families and the various *ekuo* that emerged through the promotion of inter-familial relationships. Thus, in the Akan context, rights exercise originated in tandem with "civil society" but minus democracy until the arrival of the *political* stage.

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living conditions of the people, spawning in its wake, poverty, misery and squalor. See Manghezi, *supra* note 55 at 57, fig. 2.

[80] *Ibid,* 50.

[81] In the language of Hobbes and Rousseau. See Norbeto Bobbio, "Gramsci and the Concept of Civil Society," in John Keane, *Civil Society and the State: New European Perspectives* (London: Verso, 1988), 73 at 74.

[82] C. Taylor, "Modes of Civil Society," in (1990) Vol. 3 No. 1 *Political Culture*, 95 at 108, 109.

Conclusion

In light of the foregoing discussion, it becomes obvious that African concepts of human rights and civil society differ from those that obtain in the Western world. One also notices that the traditional concept of civil society has been used and exploited in the past by Western colonial authorities to achieve their conceived economic and geo-political state interests. The question therefore is to what extent the much-touted concept of civil society and its accompanying NGO mushrooming on the continent can offer any real hope for redeeming Africa's plight and giving us a means of hope for liberation and development.

For the concept of "civil society" to be beneficial to African and other less industrialised states, it needs to be structured on the lines of the traditional African political systems. A wholesale adoption of the Western concept of human rights and civil society will not afford Africans the opportunity to attain holistic, sustainable and alternative forms of development. For example, African human rights NGOs still lack legitimacy, representing an urban elite and not being sufficiently grounded in rural areas, and also being attached to their Northern sponsors. This attachment, in the view of one African scholar, Mutua Wa Mutua, helps convey Northern values which "reflect ethno-centric relations between the State and the individual, inspired by liberalism – in order to better advocate African aspirations. To reach ideological independence, financial independence is also needed."[83] Wa Mutua contends further:

> There is no future for the human rights movement in Africa unless it can secure domestic ideological, financial and moral support from interest constituencies. It is crucial that the movement be part of the people; its leadership and aspirations must reflect the needs and perspectives of ordinary citizens ... The movement should not be complacent, as it is today, with external support.[84]

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[83] Conference Report presented by Sophie le Rue. Source: Http://www.unimaas.nl/~ala.
[84] Ibid.