



**Power and
politics in
Africa**

**Africa Power and Politics
Programme**

**Research Streams,
2008/2010**

Edited by David Booth

**Presented to the
Consortium Advisory Group
Nov, 2008**

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The Africa Power and Politics Programme is a consortium research programme funded by the UK Department for International Development (DFID), with additional support from the Advisory Board for Irish Aid (ABIA), for the benefit of developing countries. The views expressed in this publication are those of the author and not necessarily those of DFID, the ABIA or the Programme as a whole.



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Introduction

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The Africa Power and Politics Programme (www.institutions-africa.org) is embarking on an ambitious venture. We aim to identify and describe forms of governance that would – if more widely adopted – work significantly better for development and poverty reduction than the arrangements currently in place in sub-Saharan Africa. ***Our goal is to help to fill a gaping hole in international policy thinking about African development and governance.*** We intend to build a body of research evidence that could support an appropriate, realistic and applicable reform agenda deserving of support both within African states and from the community of international actors with a stake in Africa’s progress.

Focusing on African experience, broadly conceived

We propose to do this primarily by means of systematic research in and about Africa. We accept that much remains to be learned from close examination of experiences of rapid development in other parts of the world, especially the most recent achievements in countries of E. Asia and Latin America. The APPP draws inspiration from these experiences, especially for the pointers they provide to the building of indigenous development dynamics and the limitations of one-size-fits-all approaches to institutional change. However, we are also convinced that the historical and contemporary experience of Africa itself includes an under-appreciated variety of governance approaches and outcomes. This diversity is a suitable subject of research in its own right. Our main focus is therefore on critically revisiting the African experience itself.

Our concept of governance is broad. For the APPP, governance encompasses the exercise of power in the management of society’s resources at all levels, from the offices of Presidents to the back yards of urban neighbourhoods and the killing fields of local conflict zones. We wish to challenge conventional nostrums about ‘good’ governance and democracy that are taken to apply comprehensively and with few reservations to today’s development challenges in Africa. This requires a similarly comprehensive plan of research, one that does not limit itself to events and processes at the apex of state power, but carefully assembles a body of evidence on the full range of functions performed more or less badly by organs of the central or local state, from the administration of justice to the protection of natural resources or prevention of infantile dysentery.¹ Such a plan is described in detail in the following pages.

The Research Streams

It has been agreed that in its next phase the APPP will organise the bulk of its research and policy engagement work within six Research Streams, designated as follows:

- Business and politics.
- State bureaucracies.
- Parliamentarians.
- Local governance and leadership.
- Local justice provision.

¹ As well as providing the raw material for a comprehensive response to the inadequacies of current good-governance promotion, the decision to include a variety of national and sub-national issue-areas in the scope of the programme also maximises the opportunities for discovering relevant empirical variation on which to test our emerging theories.

- Formalising schooling.

The remainder of this document is concise description of the rationale, research questions, approach and methods of each Stream, drafted by Stream Leaders and approved in outline by their supporting research teams. In one case, ‘Business and Politics’, two distinct sub-Streams are already under way. Others, notably ‘State Bureaucracies’, may well acquire additional components in later stages of the programme, as we gain experience on how to design worthwhile research in this intrinsically difficult area. The rest of this Introduction makes some general observations about why the Research Streams are constructed as they are.

Real governance and our emerging hypotheses

We want to root our conclusions in a thorough understanding of real existing patterns of governance. This implies taking seriously the exploration of the informal power relations and accountabilities that lie beneath the façade of formal organisations and their institutional rules. At the very least, it means starting from an accurate description of what exists, rather than adopting the facile imagery that is often conveyed by practice-oriented documents and statements on democratisation, human rights and anti-corruption efforts in Africa. This has implications for the type of research methods to be employed in the programme, including the place we give to intensive ethnographic fieldwork in all of the Research Streams.

We are interested in establishing empirically the degree to which ‘real governance’ (Olivier de Sardan, 2008) typically takes the form of contradictory hybrids of formal legal-bureaucratic and informal patrimonial structures, as argued in large parts of the Africanist literature. We shall examine alternative interpretations in which institutional hybridity and dualisms play an insignificant part – except perhaps in set-piece donor-government interactions – and in which there is little discontinuity between the formal and the informal, and colonial and post-colonial, ways of doing things.² These issues are already the subject of an extensive literature, in which there are a number of distinct schools of thought, but it cannot be said that they have been exposed to systematic investigation with a view to empirical validation.

The answers we give to these questions will influence the hypotheses we formulate about the forms of governance that have the potential to contribute to better development outcomes. This is one of several reasons why the programme has not been over-ambitious in setting out precise and elegant hypotheses during its design phase. We make no apology for saying that at this stage we have only a ‘hunch’ or series of hunches about what forms of governance might be worth promoting. The firming-up of these proto-hypotheses is a task to be undertaken in and through intensive empirical and analytical work.

Our hunches were initially expressed in metaphorical ways, and as questions. Are better development results obtained when institutions ‘work with the grain of African societies’, rather than working ‘against the grain’? What would it take for African neo-patrimonial systems to undergo the kinds of progressive reformation that produced developmental states in Asia, taking into account the very different historical circumstances? Are there more and less developmental patrimonialisms and forms of corruption?

As a result of the work done by APPP associates during the programme’s design phase, we are now in a position to be less metaphorical and a little more precise. This is a good thing, as

² Among the ‘think pieces’ prepared during the design phase of the APPP, Göran Hyden’s paper (2008b) and earlier article addressed to donors (2008a) emphasises the evidence supporting contradictory hybridity as a general feature of African governance systems, while Jean-Pierre Olivier de Sardan (2008) takes the other view, arguing that the literature generalises excessively and prematurely about these issues.

some of the metaphors, including the wood-working metaphor of the ‘grain’, do not travel or translate well. It is clear, however, that the more refined thinking now being done points us in a number of different directions. ***There are now several distinct strands to our thinking.***

Some of these centre on the proposition that there are important long-term continuities in African social and political life which we neglect at our peril. The prospects for more dynamic and peaceful development depend upon harnessing the moral drivers associated with these threads of continuity, which are bound up in various ways with kinship and ethnicity.³ Others begin with strong doubts about either the reality or the relevance of African ‘tradition’, even in these broad terms. Their hopes rest on overcoming the practical log-jams or collective-action problems which typically stand in the way of improving real governance. On this view, these problems may have roots in the past as well as the present but they are not, to any significant degree, culturally determined.⁴

Both these point of view have respectable pedigrees in the literature.⁵ In some ways, they also recapture long-running academic controversies covering a much wider field than African governance and development.⁶ Our research therefore may be expected to shed fresh light on some weighty issues, with important implications for development policy generally.

Designing research to permit generic conclusions

Cutting across our initial biases on what ‘working with the grain’ might sensibly mean, we share a commitment to investigating empirically the nexus between variations in the exercise of power and authority on the one hand and developmentally relevant outcomes on the other. ***We need, and have devised, a means of ensuring that this generic formulation of our central research question is applicable across the range of topics addressed by the Research Streams.*** This is the essential precondition for being able to generate overarching conclusions about governance for development in Africa on the basis of research that has a variety of thematic and sectoral focuses. ‘Scaling up’ from findings about, say, local administration of justice or politician-business interactions to general propositions about developmental governance is obviously not going to be a matter of simple inference. Theory-building can draw on evidence in several ways, none of them simple. On the other hand, we want the relationship between our evidence and our policy-relevant conclusions to be as compelling as possible.

One thing this means is ensuring that in each Research Stream we search out ***case studies and/or ways of using survey evidence that give us real ‘causal leverage’ on our emerging hypotheses.*** We need empirical designs that allow us to push the frontiers of knowledge forward, albeit in small steps and tentatively at first. We do not want to support research that merely confirms what we know already or which does not primarily address the central programme question about the nature and sources of more developmental governance. This is

³ Within the programme, this is perhaps common ground between Hyden (2008b) and Tim Kelsall (2008a, 2008b). Kelsall is particularly emphatic about the importance of ethnicity and the far-reaching nature of the implications.

⁴ Olivier de Sardan (2008) expresses the doubts in general terms, while Richard Crook (in the Justice Research Stream description below) gives sector-specific reasons for wagering more on practical adaptations, including some informalisation, of ‘modern’ judicial institutions, rather than relying on so-called traditional ones. The phrase ‘practical log-jams or collective-action problems’ is mine and reflects a view of where the alternative to culture-oriented explanations is normally to be found.

⁵ Kelsall’s paper includes a comprehensive bibliography with particular attention to continuities and moral drivers. Recent contributions to the literature which share the APPP’s basic diagnosis of African institutional problems but purposely avoid invoking culture or even ‘moral economy’ in their explanations include Englebert (2000), Boone (2003) and Posner (2005).

⁶ E.g. the famous debate between James C. Scott (1976) and Samuel Popkin (1979) about Vietnamese peasantries.

the standard we have set in reviewing and selecting the proposals which led to the agreed Research Streams, and it is the standard by which they will continue to be judged.⁷

A more specific commonality which is reflected in the Research Stream descriptions concerns the type of outcome or dependent variable that will be subjected to investigation. Some of the Streams are delaying decisions on specific aspects of this issue. However, ***all the Streams are going to be looking for variations in the way different governance arrangements affect key intermediate outcomes.*** That is, the focus is on results that are well established as important determinants of final development outcomes, such as economic growth, sustainability, human development, social and gender equity, and so forth – not on the final outcomes themselves.

The pivotal role of public goods production

More specifically, we have found the concept of public or collective goods a useful tool, enabling cross-fertilisation of ideas about research questions between the Streams. There seems to be a good prospect that it will also facilitate cumulative research and provide a helpful basis for an eventual scaling-up to generic propositions. A prominent US-based Africanist wrote recently:

Today's global economy rewards agility and predictability. The strength of countries ultimately resides in the strength of their institutions – the capacity to produce public goods, whether to generate profits, serve the public, or both, and to do so predictably and reliably. At the most basic level, governments must be able to build and maintain transportation systems and public utilities, establish capable judiciaries and police services, and efficiently manage monetary and other economic policies. These goals, for the most part, have eluded many African countries. (Joseph, 2009: 231)

This captures succinctly how the adequacy of provision of essential public goods can serve as a fulcrum for theorising and policy engagement about the larger issues of Africa's development and place in the world. The APPP shares this type of vision, and it is in this spirit that readers should interpret the attention to the production and non-production of key public goods in the Research Stream outlines that follow.

Purpose of the Research Stream outlines

The Research Stream descriptions included in this document are abbreviated versions of longer project proposals which contain greater detail on timeline, budgets and the like. ***They are provisional and represent work-in-progress.*** We are publishing them at this point and in this form for several purposes: to promote awareness of the APPP's research; to stimulate discussion across the programme and with fellow researchers and potential research collaborators; and to provide a platform from which to engage with policy makers and practical development organisations. Comments and suggestions are invited and will be welcomed, via the email address above as well as via the addresses of the Research Stream Leaders.

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⁷ These points are elaborated in my own think-piece, Booth (2008).

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Research Stream on Business and Politics

Sub-stream 1:

Developmental patrimonialism? The management of clientelist crises and business-politics relations

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Summary

Mainstream analyses of post-war economic stagnation in Africa focused on the negative effects of political clientelism on the business environment. African governments have consequently been advised to take a hands-off approach to business, confining their role to providing an enabling environment by means of clear and secure property rights, an independent judiciary, democratic elections, and regular consultations with formal business associations. Drawing on Asian experience and a re-reading of the African record, our hunch is that it is not clientelism per se that is bad for business, but rather the way in which clientelism is organised (or not organised) in specific contexts. Consequently we propose a systematic investigation into the differential effects of different types of clientelism on business, in different country contexts in Africa.

The heart of this investigation will be a series of empirical studies of business-politics relations at both national and sectoral level in Malawi, Rwanda, Tanzania, and Zambia, focusing on the way in which different types of clientelism have contributed to, or at least have not severely constrained, the solution of critical collective action problems and the provision of essential public goods. By doing so, we hope to generate theory and evidence pertinent to APPP's central research question, which is whether there are ways of working with the grain of today's often corrupt realities to improve development for the poor.

1 Research problem and justification

Most African countries entered the post-colonial era with small, externally oriented, foreign-dominated business sectors. Most consequently took it upon themselves to try and expand their industrial and modern sectors, by means of a variety of state interventions in the market, ranging from creating state-owned-enterprises to enforcing or encouraging partnerships between expatriate and African businessmen. As well as achieving economic objectives, these policies tended to create patronage resources that allowed the state to placate various political demands for jobs, income, and resources. In most countries, the industrial sector grew fairly rapidly, but by the time of the 1970s oil crisis, inefficiencies had become apparent. Many firms could only survive by means of price-fixing and protection that was highly discriminatory against the agricultural sector, while other businesses were managed with regard only to predation.

The experience of the 1970s inspired a liberal political critique of the state, in which state intervention in the market was seen to create clientelistic economic rents, rents which fuelled cut-throat patron-client competition, increasing the pressure on politicians to extract more

rents, leading to a downward spiral of economic decline, further loss of state legitimacy, and eventual state collapse (Diamond, 1987, 1988; Sandbrook, 1985, 2000). Meanwhile the donor response to this spiral, contained in the structural adjustment and good governance approaches, was to advise the state to withdraw from the market, and to concentrate instead on creating an enabling environment for private investors by means of a transparent and enforceable property rights regime, supported by an independent judiciary, free press, oversight organs (like audit-offices, anti-corruption commissions) and a democratic political system (World Bank, 1981, 1989, 1997, 2000).

We now have reasons to believe that the interpretation on which good governance rests, and indeed the approach itself, are inadequate. It is clear that the downward spiral of economic and political collapse identified by authors such as Sandbrook and Diamond did not affect all African countries. Although none were without problems, some, such as Kenya and Côte d'Ivoire were much better at managing their business sectors than others. Other countries, like Tanzania, while economically inefficient were remarkably politically stable. Chris Allen has explained this by reference to the fact that the more stable and successful countries were able to avert clientelist crises by introducing forms of centralised bureaucracy, which, while retaining clientelism, were by and large able to prevent competition for rents or spoils from assuming its most damaging form. In addition some states, like Benin or Ghana, which at one time fitted the model of clientelist and spoils crisis, were able to regain some stability by introducing centralised bureaucratic politics. Meanwhile others, like Malawi and Zambia, which lost their grip on centralised bureaucracy, descended into damaging competition for spoils (Allen, 1995).

The lesson from these cases is that the degree to which patrimonialism and clientelism are economically damaging is at least in part a function of the way in which they are politically organised. At its most simple, it is a difference between the politics of the share-out, and the politics of the free-for-all. In a free-for-all, development, if it occurs, can only be accidental. In a share-out, there is at least scope for making collective decisions on rational economic grounds.

There are at least three reasons to think that good governance, as currently conceived, is unrealistic and inadequate as an approach to stimulating long-term development. In addition to macro-economic stability, the latter requires political stability, some degree of security over property for investors, and solutions to various industry specific collective action problems.

Taking the first, developing country governments face powerful political pressures to provide patronage to potentially disruptive groups, the business sector being one source of this patronage. Expecting African governments to cease altogether from using business as a patronage resource, is to go against the grain of local needs and, indeed, traditions.

Second, and as Mushtaq Khan has argued, it is extremely difficult for poor countries to finance the generalized definition and protection of property rights. Historical experience in Europe and Asia shows that in the process of development governments protected *some* property rights, but not others (Khan and Gray, 2006).

Third, economic growth and industry expansion requires the solution of a variety of collective action problems that cannot be solved by markets alone, problems like infrastructure provision, human capital supply, infant industry protection, coordination with up and downstream suppliers, ability to penetrate new markets, technology acquisition and development, natural resource acquisition, to name but a few (Khan and Sundaram, 2000). Good governance approaches tend either to ignore these collective action problems, or to encourage their solution by means of formal business associations, taking a model from the developed West. While we in the APPP do not doubt that formal business associations can

help with the solution of industry-specific or nation-wide collective action problems, we believe that this can only be part of the story: informal forms of influence and clientelist networks may be equally if not more important.

In fact, the literature from Asia suggests that clientelism has been used to achieve economic and political goals in a variety of different ways; it has always been important and nowhere has it been eliminated. In Indonesia, for example, the centralised Suharto regime presided over the distribution of enormous rents in patron-client exchanges worth hundreds of millions of dollars, and yet was able to ensure that these did not seriously compromise macro-economic stability or growth. In Malaysia, Chinese-Malay businesses paid centralised bribes in a constrained political system, which were redistributed as political rents to disadvantaged groups, providing a degree of political stability that facilitated growth-enhancing foreign investment. In South Korea, industrial conglomerates paid large centralised bribes to authoritarian political leaders, while the distribution of rents took the form of the managed protection of industries until new techniques and technologies had been successfully acquired. In Taiwan, the ruling Kuomintang party owned numerous enterprises that served as vehicles for economic distribution and political support. In Thailand, the rapid expansion of the textile sector was based on competitive patron-client relations between Sino-Thai businessmen and members of the Thai bureaucracy. The solution of collective action problems within that sector, meanwhile, depended on a combination of institutions including state organisations (Bank of Thailand, Crown Property Bureau), formal public-private cooperation (joint public-private consultative committees and so on), and private arrangements which can be described as clientelist (secret societies, clan associations, family networks) (Khan and Sundaram, 2000).

The lesson from this literature is that *although clientelism always has costs, which constitute a public bad, these can, in certain circumstances, be outweighed by the public goods it brings in terms of political stability and the solution of development-constraining collective action problems*. Consequently we believe that a study of clientelism in politics and business relations in Africa can shed light on the APPP's central research agenda, which is to see if there are ways of mitigating the most damaging forms of patrimonialism, and of establishing whether there are ways of working with the grain of today's often corrupt realities to enhance development.

2 Research questions

The Developmental Patrimonialism sub-Stream of the APPP will begin by reviewing the literature on post-colonial Asian and African business and development in greater depth.

We will mine this literature to provide greater insight into the way in which different types of clientelism have provided different types of public goods such as social peace, macro-economic stability, security for investors, and other key conditions for high-quality economic growth. We will examine what the different effects of different types of clientelism have been in different countries in different political and socio-economic contexts. This literature review will feed into a discussion paper on concepts and methods, which will discuss in more detail the kinds of collective action problems and public goods that are pertinent to a study of business and politics, and which will outline the questions and strategies for investigating them. The aim is to provide sufficient conceptual clarity, and sufficiently elaborate research questions, to allow comparative fieldwork to proceed.

The kinds of questions we will ask in the literature review are as follows:

1. How have different types of clientelism in Asia and Africa contributed to or detracted from securing the public goods of political stability, macro-economic stability, security for investors, and economic growth?

2. How have different types of clientelism produced different results in different contexts?

This will feed into a concept and methods note, which will answer the questions:

3. What kinds of collective action problems and intermediate public goods are we interested in for this study? What questions and methods should we use to research these?

In 2009 we will proceed to country case-studies. Different systems of clientelism (in which we expect the party system to play a large role) provide our independent variable. The solution of collective action problems and provision of public goods constitute our outcome variable. We propose to select cases that will give us some leverage on the effects that different systems of patron-clientelism have or have had on the solution of collective action problems and provision of public goods at both national and sectoral levels. Among the broad questions we will ask are the following:

4. What are the main contours of political clientelism at a national level? What institutions, if any, manage clientelism?⁸
5. What are the main institutions, formal and informal, for managing business-politics relations at national level?
6. In what ways, formal and informal, do particular business sectors interface/interact with the political system?
7. How are collective action problems solved in particular business sectors?

The final stage of the research (2011-2012) will aggregate the findings and theorise the results, asking such questions as:

8. In what ways and in what conditions do different types of clientelism help or hinder the solution of collective action problems and the provision of public goods by business?
9. Are there lessons to be drawn about how to work with the grain of often corrupt social and political realities to achieve end goals such as poverty eradication?

3 Empirical methods, strategies and timings

3.1 Stages

The literature review, to be conducted in **2008** will be designed to give us a ***broad overview*** of business and development in Asia and Africa, surveying the literature on a sample of at least six comparatively positive and negative cases, as well as charting the shift from positive to negative where this has occurred. In Asia, Indonesia, Malaysia, Vietnam, and S. Korea appear to be fairly positive cases, while the Philippines, Cambodia, and Bangladesh appear more negative. In Africa, Botswana, Ivory Coast, Kenya, and Mauritius appear to be fairly positive cases (at least during certain periods), while Nigeria, Zaire, and Sierra Leone appear to be

⁸ For example, who are the main constituencies that have to be bought off, and what are the channels for doing this? Is anyone implementing a long-term vision for the economy? Who, if anyone, decides how lucrative contracts or business partnerships are awarded, and on what basis are these decisions made? Is there any means of reversing or punishing those who make economic decisions that are detrimental to the national interest? NB, here Mushtaq Khan's typologies of corruption and rent-seeking provide a good conceptual starting point.

more negative. The output will be two papers or chapters looking at Asia and Africa respectively.⁹

We will begin the *first phase of empirical research in 2009*. As mentioned earlier, we believe that the conventional wisdom on African state-business relations issues from an analysis of the worst-case scenarios, while better-case scenarios have not been the object of sufficient study. Consequently, *we aim to concentrate our resources on studying better-case scenarios, examining the neglected ways in which African countries have managed to solve some collective action problems in the field of politics and business*, both at national and sectoral levels. This strategy is supported by Booth, who draws on the most recent methods literature to argue that biased sample selection has a respectable logic and rationale (Booth, 2008: 16-17). At the same time, we are interested in patterns of variation within these broadly better-case scenarios, and consequently plan to study countries with some diverse types of party system, which, as mentioned above, we believe to be a reasonable first proxy for our key independent variable: types of clientelism. The first stage of our empirical studies then, will be to explore the broad effects that these different types of clientelism have had on collective action problems and public goods provision, especially as they pertain to business. In the second stage, we intend to look in more detail at one or more in-country business sectors which appear to be profitable and/or expanding, and where it appears that the system of clientelism has helped solve, or at least is not greatly impeding, the solution of sector-specific collective action problems.¹⁰

We will obtain data on clientelism at national level through reviews of the secondary literature, interviews, and other appropriate investigative techniques. We will obtain data on clientelism at a sectoral level by means of interviews with key informants, for example company MDs, officials in relevant ministries, local partners or shareholders, and other investigative techniques. We also expect the sectoral level research to shed new light on the system of political clientelism at national level. Consequently, *we are approaching clientelism in business-politics relations from two angles: top down and bottom up, deploying a method of causal process tracing*. We envisage that a final, shorter period of field research, answering unresolved questions, and tying up loose ends, may be needed to complete the country-level picture in early **2010**. The outputs will be a series of case study papers or reports.¹¹

These papers will provide the basis for an initial theorisation of results, which may lead to the selection of further case studies, to be undertaken in the second half of **2010**. For example, we might want to select a reasonably successful sector in a worse-case country, or we might want to select an unsuccessful sector in a better-case country, or we might want to select a country and a sector which has shown positive and negative shifts across time; but these are suggestions only.

2011-2012 will be devoted to final theorising and write-up, combining the causal process tracing results with in-case and cross-case comparison.¹²

⁹ Hopefully, these papers can then be condensed into a jointly-written article-length piece for submission to a journal such as *Comparative Studies in Society and History*.

¹⁰ The point of this selection is definitely not to obscure negative developments at a country or sector level; the point is merely to find out what lessons can be learned from the sectors where things might be going reasonably well.

¹¹ It is hoped that the best of these will be condensed and submitted to development journals.

¹² The end product, we expect, will be a book or books edited probably by Tim Kelsall and/or David Booth, containing lit-review, theoretical and country case study chapters, with contributions from team members.

3.2 Cases

An initial round of empirical work on country cases will be limited to Malawi, Tanzania and Zambia, with possible collaborations for work in Rwanda being explored at a slower pace.

The African case that perhaps best resembles the Asian experience of disciplined clientelism is *Malawi* under the single-party regime of Hastings Banda. The Press companies – comprising bottlers, food processing, energy (petrol), media, transport, wholesale and retail outlets, investment and banking, etc. – were formed from the 1960s onwards and owned by Dr Banda. The corporation was central to national economic growth in the 1970s, and then again after 1983, when it was restructured to solve a liquidity crisis (brought on by Banda's use of its funds for political purposes). In the earlier phase, according to van Donge (2002), Press Corporation:

resembled most a South Korean chaebol because, first, it was privately owned; second, it had no pretension to public utility apart from the fact that good business is good for the country; and, third, the discipline of the profit and loss account was paramount.

This study of Press offers APPP a unique opportunity to explore the way a highly controlled and centralised economic entity has operated within the African neopatrimonial context. It will shed valuable light on the strengths and weaknesses of centralised clientelism in an evolving set of economic and political circumstances. Our 'hunch' is that Press, ADMARC and banks were (able to be) used differently by Banda to address the distinct political-economic crises he faced in three periods (mid-1960s; mid-1980s; 1992-4). We propose a detailed study of Press from the mid-1960s to 1994, using a combination of secondary literature, archival and interview methods. Malawi might also be returned to as part of a second round of case studies in 2010, when we would explore in more detail the transformation of clientelism in the Muluzi and Mutharika periods, providing insight into the relation between changes in the party system and changes in the character and effects of clientelism.

Tanzania has risen to become one of Africa's fastest growers, and today is generally regarded as an investment bright spot. The information we have suggests that the Tanzanian case represents a relatively open and decentralised type of business clientelism and we are interested in exploring the implications of this pattern for collective action problems and public goods provision. Here, we propose to focus on three sectors that are reasonably successful in supplying public goods like employment, higher incomes, sustained growth, high tax contributions, high forex earnings, or effective solutions to market failure.

Tim Kelsall, Brian Cooksey and John Shao of TADREG thus propose a case study of Tanzania, which would comprise a) a desk study, interviews, and investigative research on the nature of the clientelist system overall, to include a review of illuminating secondary material on areas such as power generation, mining, water, and logging, and b) field research on tourism, horticulture, and sugar. In the interests of team-building and methodology strengthening, Ross Herbert will spend a brief period with this team in early 2009.

Zambia is a post-socialist country with a relatively competitive party system. In the transitions between the Kaunda, Chiluba and Mwanawasa eras, we have witnessed an adaptation of clientelistic practices to economic and political change, with the current regime attempting to win both urban and rural support through a mixture of new (programmatic/public goods approaches) and old (clientelistic) methods. Although Zambia's economic record has been mixed, it has some promising sectors that offer useful comparison with other countries. Ross Herbert is proposing a two-sector study of clientelism in Zambia in late 2009. This may be supplemented by further studies in 2010.

The initial focus will be on farm support and the cellphone sector. In the area of farm support, Mwanawasa has reversed some of the free-market policies of Chiluba and defied IMF advice to successfully produce food surpluses. Mwanawasa constructively shifted from a pure free market to a hybrid system under which state buyers handle distant areas at subsidised purchase prices and commercial maize buyers tend to areas that are more commercially viable. It is important to explore why the government changed its approach to agriculture, which has traditionally been a very important area for clientelistic practices. Previous research by SAIIA on business in Africa noted that there are important differences in how various types of industries are regulated and subjected to clientelistic pressures. The cellular phone industry is a useful case study in this regard.

Since the genocide of 1994, **Rwanda** has been dominated by the RPF party in a tightly constrained democratic system, which has developed business-party institutions partly inspired by the Asian model. Features of its evolving practice include not only the government and the armed forces, but also the ruling party (the RPF), having holding companies which own significant parts of the formal sector of the economy, sometimes in joint ventures or public-private partnerships, and sometimes as ordinary shareholdings (e.g. in MTN). Although this may involve some crowding-out of pure private investment, and there are some questions about unfair competition, what is emerging may be an appropriate type of mixed economy which compares favourably with the counterfactuals that one might visualise for Rwanda. David Booth and Fred Golooba Mutebi will explore further the researchability of this experience.

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Research Stream on Business and Politics

Sub-stream 2:

Institutions, power, and norms in African cotton sector reforms

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Summary

Cotton is a key commodity in several African countries with crucial implications for agricultural development and poverty reduction. While cotton production was organized until recently in a very integrated fashion with state companies directly involved in input provision, ginning and marketing, reforms have been undertaken in virtually all producer countries with the aim to liberalize segments of the market and privatize several operations. The problem with these reforms, however, is that cotton, unlike other commodities, requires, even in liberalized markets, a complex governance system where a number of public goods must be provided. Since ensuring market coordination remains a fundamental objective, the reforms' key challenge is therefore how to replace the former principle of state enforcement and intervention with new collective enforcement mechanisms in more decentralized systems.

The proposed research aims to undertake a comparative study of recent and/or ongoing reforms taking place in the cotton sectors of Benin, Burkina Faso, and Mali (with more countries possibly being added at a later stage) in order to analyze how the main stakeholders take up the above mentioned challenge and navigate through distinct, and sometimes opposing, notions of how a cotton sector should be governed.

Particular attention will be given to attempts aimed at anchoring imported concepts and organizational models, such as those emanating from the Washington consensus' privatization and liberalization paradigm, in locally appropriate views of cotton sector governance; and to ways of embedding reform-related organizations within local political realities and informal institutions for solving collective actions problems. Which power and institutional configurations are behind the observed outcome? Does 'hybridism' help in getting reforms to be endorsed by otherwise reluctant stakeholders? And more importantly, are the resulting hybrid institutions associated with better developmental outcomes? For instance, mutual cooperation, as a particular answer to the conundrum of market coordination, may be perceived and sought as something more attuned to African consensual ways of solving collective action problem; and may help bringing producers (and their representatives) closer to where decisions are made.

1 Research problem and justification

Cotton is one of the most important commodities in Africa, and one of the few for which the continent's share of total export has actually increased over the last two decades. Cotton represents not only a major export product but also the livelihood of millions of farming households, as it is mainly grown by small holders: in more than one respect, therefore, it is fundamental for both goals of development and poverty reduction in several African countries. In the face of the sector crises, due to both domestic and international causes, a series of reforms have been undertaken, at different times and paces, in most producer countries – starting from the Anglophone countries in Eastern and Southern Africa in the

early 1990s and continuing with the recent and ongoing reforms in the West African Francophone countries.

Economic reforms typically imply some degree of privatization and liberalization that profoundly unsettle the power status quo and are therefore strongly resisted, in more or less open ways. In addition, the privatization of cotton parastatals has been perceived, especially in Mali, as an unnecessary measure imposed by donors. It has been met by strong opposition on the ground it brings in an alien logic, which goes against established ways of governing the sector. The challenge in the context of these reforms is therefore not only to overcome usual resistance to change (due to rent-seeking type of motives) but also to navigate through different, and sometimes opposing, notions of how a cotton sector should be restructured. Due to the (at least partial) failure of the earliest privatizing and liberalizing reforms, and given the strategic importance of the sector to a wide range of stakeholders, ***some reforming countries are experimenting with solutions that aspire to be more in line with acceptable practices and are somehow embedded in local realities.*** Thus cotton reforms are potentially of great interest to the APPP as contexts in which to examine institutional innovations in line with the “grain” of African societies.

Furthermore, ***cotton is a sector that lends itself well to an analysis of institutional responses to collective action problems.*** This is so since cotton exhibits special characteristics that demand a sufficient degree of coordination among the different players in order to ensure the timely provision of essential goods and services, without which production and productivity tend to suffer. These are, among others: efficient delivery of inputs, credit provision and recovery, research and development especially with regard to improved seed varieties, and assurance of high quality standards for cotton lint in a constantly challenging international market. Since the benefits to all parties involved, i.e. cotton ginning companies, the state, farmers, banks, etc., is enhanced when coordination is achieved with respect to all these functions, yet each party often acts by pursuing its own particular interest, the cotton sector faces a classic collective action problem.

The provision of these goods and services becomes even more essential when market imperfections, e.g. failures in the credit market, are large, as well as when state capacity is weak, since then the state is unable to enforce appropriate legislation to govern the sector. Given both market imperfections and increasingly weak state capacities, especially due to recent financial difficulties of the state sector in most African countries, cotton sector reforms have faced the challenge of how to promote a new institutional configuration that strikes the right balance between different actors and interests, in order to ensure some minimum level of coordination – as well to ensure, as mentioned above, a sufficient degree of local acceptability.

An effective institutional framework is not simply a well designed organizational and formal institutional structure. It must include the informal norms and institutions governing the parties’ actions and relations that lead them to successful coordination so to solve collective action problems. Given these features, cotton represents a very appropriate case for studying issues related to the governance of an economic sector, and is thus of particular pertinence to the APPP.

The present research takes advantage of the occurrence of reforms having similar goals in different countries and contexts, in order to examine which specific local and national institutional configurations and power are associated to what outcomes. In particular, the study will examine whether “hybrid” solutions have the potential to be more lasting and developmental, where hybrid implies embedding imported notions and organizational models, such as those emanating from the Washington consensus’ privatization and liberalization paradigm, in local political realities and informal institutions for solving collective action problems. In line with the objectives of the APPP, the research will try to maximize the

leverage potential of the findings by looking at a sufficiently wide range of cases with interesting characteristics. Thus Burkina appears to represent a successful instance; Benin is an intermediate case; and Mali appears to be the weakest, but with the potential of a turnaround in the near future, which merits close observation.

The major objective of our comparative approach is the study of the distinct ways in which the relevant actors in the different countries face and solve the crucial problem of ensuring the right balance between the goals of competition and coordination, while meeting local perceptions about the exigencies of cotton production. This means studying the norms and informal institutions that lead actors to propose and arrive at a given organizational and formal institutional structure, and analyzing the competing and interactive forces at play.

More precisely, *the dependent variable under study is the level of effective market coordination achieved within each sector*, where the degree of effectiveness is assessed against the potential to ensure the timely and high-quality goods and services (inputs, credit, research, extension, and so on) required to the well functioning of the sector. This research thus differs from studies of the cotton sector that directly analyze the determinants of traditional sector performance indicators, such as production levels, yields or levels of profits. The problem is that, since these latter variables are also sensitive to factors that are outside the control of national actors (e.g. international cotton price), their cross-country variation is likely to depend on factors unrelated to local institutional features. Instead, a focus on market coordination seems to be more appropriate for analyzing the kind of societal characteristics, institutional features, and norms (i.e. the ‘grain’) that we want to study within the APPP. We thus argue that cotton market coordination is the fundamental *intermediate* variable, the *essential public good*, without which there can be neither developmental impacts nor poverty reducing effects. This choice of the dependent variable is very much in line with the APPP logic.

Finally, unlike some existing research on cotton reforms, which focuses mainly on differences in organizational structures and the assessment of the degree of competition versus coordination, this research aims to identify the formal and informal institutions behind organizational structures, and their potential to provide the solution to collective action problems.

2 Specific research questions

Renata’s scoping visit to Mali in June-July 2008 together with a review of the recent literature confirm that the most challenging and interesting aspects in current cotton reforms in West Africa are how to build effective institutions that enable national and local stakeholders to achieve market coordination and enhance the developmental potential of the cotton sector. African countries may have undertaken reforms by pursuing different organizational models due to their different inherited cotton sector histories (as argued by Tschirley, Poulton and Boughton, 2008). However, West African countries seem to look increasingly at one another in the attempt to learn positive lessons and avoid mistakes from across their borders (Ghana is portrayed for instance as a good example of how a cotton sector should *not* be reformed). This makes a comparative study particularly suitable. We will study initially the cases of Benin, Burkina and Mali, in each asking similar questions and using similar methodologies.

We propose to analyze differences in each country’s institutional responses and ability to solve collective action problems by *looking at two distinct but connected spheres*. The first is the *national/macro level*, where the main stakeholders, namely the state, ginning companies, and representatives of producer associations, discuss and decide, in more or less formal ways, major aspects affecting the running of the sector – for instance in the Francophone countries, the price to be paid to farmers is the result of joint negotiations.

There seems to be evidence of differences, among the countries concerned, in the level of opposition to the reform and in the ability to build mutual confidence among the parties to arrive at effective coordination mechanisms. The new configuration emerging from the reform process, though well designed formally, may thus suffer from the practical difficulty of embedding it in local realities (Mali). The entangled relationships of interests between the union representative and the government may instead lead to positive results (Burkina) only to expose its vulnerability once the support from the union base dwindles (as seems to be the case now). Some of these differences are historical and political – for instance cotton unions are more demanding and stronger politically in Mali than in Burkina due to the role they played during the democratic transition. However, other explanatory factors, which our research will focus on, may reside in the parties' different ability to claim a common objective, language, or tradition; in the existence of institutions (formal or informal) for mediating conflict; and in the extent to which state officials are insulated from the interests they attempt to regulate, among other things.

A better understanding of how the main actors articulate and negotiate the reform and post-reform process (Benin is now undertaking changes to obviate some of the earlier missteps) is essential to decipher the subtle and complex nature of governance in the cotton sector. A further issue that requires to be addressed is how to account for the role and influence of donors, whose presence in cotton reforms is very important in many instances, e.g. Mali.

The second level of analysis looks at the *village/micro level*, where production takes place and the implications of market coordination decisions are the most relevant. Have farmers received credits and inputs of a desirable quality and in a timely manner? What types of disincentives are associated with late payments for cottons seeds? What are the normative, institutional and power elements affecting actions and interactions between operators at local level? In what ways do farmer groups and cooperatives make up for market and state failures? How do farmer cooperatives relate to, and how are they influenced by, informal village level institutions? What is their local understanding of how the cotton sector should be managed?

By answering these and related questions, this second research component will seek evidence for, and provide an analysis of, *the ways in which the actors actually involved in all the phases of cotton production, from input distribution to marketing of lint cotton, operate and coordinate with one another at the local level.* The aim is to uncover whether the particular mechanism in place ensures smooth levels of operations, and if so, what are its most important ingredients, whether vertical integration of operations, or mutual trust, local norms of cooperation, fear of punishment, sanctions from higher levels, political bribes, or even patron-client relations. In line with the spirit of the APPP research agenda, we will look at a wide list of potential determinants of coordination, without excluding factors that have been so far dismissed by the 'good governance agenda', so to arrive at a more realistic description of how production activities are carried out, and their related challenges overcome, in our selected African contexts.

Questions about local perceptions of cotton sector reforms will be asked. The purpose of this is not only to compare and contrast discourses across different levels and spheres, but also to analyze how perceptions impact decisions and actions that affect market coordination outcomes, and how the latter in turn potentially modify subjective local assessments.

3 Methods/empirical strategies

Following the identification of the specific research questions in the section above, the study will try to assess, in each country studied, the level of market coordination achieved (i.e. the particular public good chosen for analysis) at both macro and micro level and investigate the institutional factors and norms at the basis of the observed differences.

Regarding the macro level, interviews will be conducted with the main actors in order to decipher their actions, choices, motives and interests. These actors will be the relevant state representatives (within the Ministry of Agriculture, Finance, and other bodies specifically designed to carry out and monitor the reform); national and regional representatives of the farmers' associations, such as unions and cooperatives; ginning companies and other large private sector operators; and finally other actors implicated in the sector, such as researchers, consultants, donors, and NGOs. Following and deepening the methodology of Renata's preliminary visit in Mali in June-July 2008, interviews will follow an open ended format, will be intensive in nature, and repeated over time if necessary, so to go over the main issues at length and in depth.

The people to be interviewed are very used to dialogue with foreign researchers, have no problem in finding the necessary time (although delays and postponements can be frequent in periods of busy meetings and policy processes), and are normally eager to discuss openly and frankly a wide range of issues. The challenge is to be able to square the various pieces together, and analyze together the often divergent accounts. How is politics played out among various actors around cotton issues and what kind of positions and interests prevail in different countries? The aim is to put all together in a coherent and intelligible way so to obtain a qualitative but precise notion of the level of interest coordination attempted and obtained, and of cooperation achieved.

The qualitative analysis should attempt to provide the basis for comparison across countries, by suggesting variation along a scale, for instance high, medium and low. It is very likely that the modalities of market coordination in the chosen contexts will assume different forms, from vertical integration of certain operations (for instance between input distribution and transport of harvested cotton seeds) to cooperation among actors along other dimensions (e.g. price determination mechanism). The challenge will be to find a way of aggregating these partial components that is both sensible in view of its empirical basis and able to provide the basis for comparisons. Throughout the process, it will be important to continue to relate evidence of a timely and effective provision of goods and services within the cotton sector to the notion of public good that generates it, i.e. an effective coordination mechanism, which should remain central to our intellectual inquiry.

The second part of the study will involve ***semi-structured and structured interviews to be conducted with farmers and their groups (cooperatives) at village level, as well as with local banks, private sector operators, local representatives of the ginning company, and extension agents.*** A small number of villages in each country will be visited (about 5), since the aim is not to obtain a representative sample but to gain deep insights into what is really relevant at this level from a fairly diverse section of the total population. (Follow-up to the research beyond 2010 may want to investigate these aspects with a wider data set.)

The findings from the two components will be analyzed jointly since they are very much complementary. The relationships between actors at national level, their policies, rules and institutions will affect, and are affected by, the perceptions, norms, behavior, and institutions operating at the local level. The ultimate objective is to assess modalities, determinants and implications of market coordination in each country and compare them across the three countries. The core of the comparison exercise will look at the role of local understandings, practices and realities in shaping market coordination configurations in a fundamental and strategic productive sector in all three countries studied.

4 Staffing and timing

The research as presently conceived extends from May 2008 until March 2010. Renata will spend a considerable part of her time providing a coordination function in order to ensure that the research methods across countries are comparable; Veronique Theriault (PhD student at UF) will provide research assistance to Renata in this effort. The aim is not only to obtain individual country studies but to arrive at general conclusions from a comparative approach. A workshop during summer 2009 has been planned in order for all cotton research members to meet and refine the methodology, compare first results, and make modifications before the subsequent phase. The workshop will probably take place in West Africa (most likely in Parakou, Benin) around June 2009.

Mali: Renata started the interview and analysis of the macro component through her field visit during June-July 08. Kako Nubukpo (senior researcher, CIRAD and University of Togo) will continue along this line and follow the debate at the national level during 2008/2010. Renata will lead the village study component in Mali with a pilot survey in early 2009 and a fuller study during spring/summer 2009. Team: Moussa Coulibaly (Junior researcher, Bamako), Veronique Theriault (UF) and 2-3 research assistants (students at the University of Bamako). Isaline Bergamaschi (PhD *Sciences Po*, Paris and U. of Oxford) might provide an additional resource given her extensive knowledge of the political situation in Mali and her contacts.

Burkina Faso: Jonathan Kaminski to coordinate a team formed by a Burkinabé research collaborator and about 3 RAs. Most fieldwork will take place in spring/summer 2009. Jonathan (PhD, University of Toulouse, on the institutional aspects in the cotton sector in Burkina) is consultant at the FAO and part-time post-doc at the University of Jerusalem (Dep. Agricultural Economics).

Benin: LASDEL Benin to lead together with Tina Jensen, PhD candidate (Roskilde University and Danish Institute for International Studies). Local collaborators will include senior researchers based at LASDEL and RAs. Tina will do a preliminary series of interviews during winter 2008 and participate in the full empirical study during summer 09; both phases will coincide with her already planned PhD field visits.

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Research Stream on State Bureaucracies

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Summary

The proposed research is a contribution to the study of the production of public or collective goods and services by African state bureaucracies. It starts from the assumption that 'real governance', as opposed to 'ideal governance' (Olivier de Sardan, 2008), has a hybrid character, involving a mixture of formal and informal norms, institutions and actors. The aim is to identify those aspects of the real governance of bureaucratic state services that may be considered positive from the point of view of economic and social development.

This line of enquiry will be applied in the first instance to the public Forestry Services in Niger and Senegal, which share a number of interesting features from the point of view of the APPP and also exhibit some relevant differences, making them suitable for comparative enquiry. Depending on the results of the research, the same methods and questions may be extended to other uniformed public services and other bureaucracies in several other countries.

1 Research problem and justification

Public administrations or state bureaucracies are an essential and otherwise under-represented subject for APPP research. It may be true that the state is no longer, as it once was, the sole provider of services, or even the only locus of public authority. It nonetheless remains a central actor in post-colonial governance throughout sub-Saharan Africa. A review of the research literature provides several reasons for considering the study of state bureaucracies a key topic for the programme.

1.1 State bureaucracies in Africanist social science

Recent anthropological research on the state, much of it influenced by Foucault's later works, has shown how state power did not emerge weakened from the phase of neoliberal privatisations. On the contrary, it was simply redeployed in different ways, a degree of control over society being assured with the help of private intermediaries, on the model of colonial indirect rule (Hibou, 1999). At the same time, there is evidence that the *idea* of the state is widely diffused even in local societies in which state institutions are only weakly present or completely absent. In contemporary Africa, we are witnessing the emergence of 'certain forms of institutionalization and formalisation of the exercise of authority alluding to state, law and bureaucracy, encoded in official language and often exercised with the paraphernalia of modern statehood' (Lund, 2006: 677).

But this literature has devoted too much attention to how the idea and the discursive practices of the state are embedded in local societies, and to the expectations, representations and imaginary constructions to which the state is subject (Gupta, 1995; Hansen and Stepputat, 2001; Masquelier, 2001). In common with other branches of Africanist social science, ***it has treated the state machinery itself (the professional cultures of the officials, the operational routines in their offices and their every-day relationships with service users) as a kind of black box.*** To borrow a phrase from Jean Copans (2001), the African state is depicted as a 'state without officials'. By concentrating on theoretical debates about the essence of the state

in Africa, social science has abandoned the ethnography of its everyday functioning for the sake of an elegant yet sterile exercise in labelling (cf. Blundo, 2006; Olivier de Sardan, 2004).

As for political science, it is rich in studies that underline the defects and dysfunctions of African public services, usually based on more or less explicit comparison with the European model of the state. Thus we have: excessive growth of administrative personnel resulting in a 'swollen state' (Diamond, 1987); a public service characterised by structural absenteeism (Nembot, 2000); operating with bureaucratic slowness (Sarassoro, 1979); decrepit and incapable of adjusting to social change (Asibuo, 1992); applying rules in a rigid, impersonal and ritualistic way (Schwartz, 1974); governed by regulations that are complex, non-transparent are hard to apply, opening the way to unbridled discretionary powers (Fjeldstad, 2003; Hope, 2000; McMullan, 1961); excessively centralised and lacking in delegation to subaltern administrative levels (Cohen, 1980); and characterised by a bad division of functions and tasks spatially and sectorally (Darbon, 2001: 29). ***But emphasis is only placed on the deviations from the norm, explained in terms of notions like clientelism and neopatrimonialism.***

As a consequence, we are hard pressed to provide answers to a series of quite elementary questions. What has become of the public service in Africa today? What career prospects do the public services offer? How are professional cultures and practices changing? How do the bureaucrats themselves perceive and deliver the goods and services for which their departments have responsibility? How do officials define the situation in which they are placed by the advance of policies promoting decentralisation and 'participation', and what are their reactions, given that these policies seem to restrict their competences quite sharply and reduce their control over populations and resources, with serious implications for their livelihoods? What are the implications for development of the high degree of hybridisation that characterises the prevailing norms and the resulting informalisation of administrative practices?

Recent ethnographies, reflecting an emerging 'anthropology of public spaces' (Olivier de Sardan, 2005), ***have undertaken a comparative exploration of public service delivery in West Africa.*** This work has covered health services (Jaffré and Olivier de Sardan, 2003), justice, customs services, public procurement (Blundo and Olivier de Sardan, 2006), water supply, sanitation and waste management, education, security and humanitarian aid (Blundo and Le Meur, 2008). It has particularly focused on the 'local state', the level at which public servants and service users come face to face and the place where public policies are actually negotiated.

The study of these interfaces between providers and users of public services has proven a fertile source of insight into the social embeddedness of corruption, and has opened up promising avenues of research into such matters as bureaucratic cultures (Olivier de Sardan, 2001) or 'everyday governance' (Blundo and Le Meur 2008). ***But these observations have tended to focus on what might be called the 'front office'.*** The emphasis has been on tracing the 'bureaucratic journeys' undertaken by service users in their quest for services, not on the opaque world of the 'back office'. ***There remains a need to focus in on the specific universe inhabited by the officials themselves.*** That is the research gap that the present Research Stream aims to fill.

1.2 Proposed case study: the Water and Forest Services in Niger and Senegal

From its creation in French West Africa in the 1930s, the *Corps des Eaux et Forêts* played its role of protecting environmental resources essentially by means of repression and imposition of sanctions. But beginning in the 1970s, the national forest services have progressively

assumed the tasks corresponding to a development administration, becoming the principal actor in ambitious reforestation schemes and programmes for forest and wildlife protection. It has been the vehicle for the introduction of a succession of new approaches: from state-supervised technocratic projects in which the only form of participation was food-for-work, through projects centred on sensitisation or *animation*, with experiments in rapid rural appraisal, to the current phase in which the central idea is decentralisation. Since the mid-1990s, rural *communes* have been placed at the centre of natural resource management, particularly in Senegal. The professional forester is henceforth called upon to accompany and stimulate rural populations in making choices about how to make use of their environmental resources (Boutinot, 2002).

It is indisputable that the mission of the forestry services places them at the heart of the production of essential public goods and services in the environmental sector (reforestation, soil regeneration, struggle against desertification, protection of forest reserves and national parks, rational exploitation of forest resources with a view to the supply of timber and charcoal to urban areas, etc.). ***Several recent studies reveal a strongly negative balance-sheet in these regards.***

In particular, the transfer of the management of national resources to local councils and rural populations has yet to be effective. This is for several reasons. The foresters appear to have been blocking the transfer to avoid losing their prerogatives of authority and control, invoking the technical incompetence of the local people and the mismanagement of the elected representatives (Boutinot, 2005; Ribot, 1999, 2000). According to these studies, the foresters has formed an alliance with powerful logging interests and with the deconcentrated state authorities (sub-Prefects, Prefects and Governors) to resist their relegation to merely advisory roles which would imply the loss of illicit economic rents linked to the exploitation of forest resources. There are several studies describing the corruption and the politicisation of the forest control system (Fall 2006).

However, the research we have done recently on the forest services of Niger and Senegal encourage me to nuance these conclusions. They suggest the need to try to go beyond the classic reading of the dysfunctionality of African public administrations in terms of neopatrimonialism, clientelism and the 'capture' of bureaucracies by economic and/or political elites.

This is not a matter of denying that there is a hiatus, often quite a marked one, between the formal mission of the environmental management authorities and the reality of their practices (in fact, the same disjunction applies in the majority of the public services in the same countries). ***The problem is that most of the cited works take an approach to the analysis of the malfunctioning of the service which is both normative and externalist.*** It is normative to the extent that it places the emphasis on the ways in which the practices deviate from the formal norms and places uncritical faith in a vigorous civil society; it is externalist in that it takes no account of the internal logics governing the functioning of the service but adopts instead the point of view of external actors, whether donors or service users.

Only a fine-grained ethnography of modes of service organisation and delivery, including the particular forms of accountability prevailing within the forest services, will allow us to break out of this standard way of tackling the dysfunctional governance of the sector. What is needed, as a first step, is an understanding of what 'practical norms' (olivier de Sardan, 2008) actually govern the professional practices of the officials. As the second step, we can then ask which among these norms are those which, in such contexts and situations as we are able to uncover empirically, have positive effects on the delivery of public goods and services by the forest services.

2 Hypotheses and research questions

2.1 *Professional cultures, normative pluralism and accountability*

Our hypothesis is that the state administrations are an important site of the production and reproduction of informality, because the actors in charge of public service delivery are immersed in a situation of normative pluralism, in which they are responsive to:

- official norms (e.g. the forest code, or the internal statutes of the *Corps des Eaux et Forêts*);
- social norms (the general principles governing behaviour in the social sphere, which are more or less codified and can be modulated according to the circumstances and the actors involved; and which can interact or conflict with other moral systems); and
- ‘practical’ professional norms, which include the insider knowledge, the fiddles, the customs and the routines learned ‘on the job’ during the professional socialisation of the official (e.g. knowing how to discover a fraudulent cargo, and how to negotiate the level of fine; learning to deal with traditional authorities, etc.; see Anders, 2005 and Olivier de Sardan, 2001).

Different dosages of these different sorts of norms make up what could be called the professional culture of the foresters. We would avoid treating this deterministically; the professional culture is not fixed and does not extend to the whole service (Monjardet, 1994). It is preferable to think of it as a repertoire of norms, values and registers on which the foresters can draw in their daily action and in responding to the new situations created by the reforms being imposed on their sector.

One of the implications is that the foresters are involved on a daily basis in juggling multiple norms, of a sometimes contradictory sort. ***The relevant forms of accountability*** (cf. Lindberg’s draft Discussion Paper on the subject) ***are not limited to the bureaucratic accountabilities linking them to their superiors, or to the political accountability linking the seniors management of the forest service to the supervising Ministry.*** Our preliminary enquiries have established that in Senegal, for example, a forester can be heavily sanctioned at the request – informal but powerful – of the head of the association of charcoal traders, a private organisation. Similarly, in Niger one of the effects of multipartyism has been to engender a system of political interventionism in which simple peasants can, via their parliamentary representative, get a forester relieved of his duties, or get a fine cancelled. Fear of sorcery practices instigated by rural people also strongly conditions the actions that foresters take, inclining them towards greater prudence, clemency, etc.

2.2 *Research questions*

On the basis of the above, the following questions will guide our research:

1. What are the characteristics of the professional cultures (and sub-cultures) of the forest services?
2. In particular, what are the practical norms which guide their modes of delivery of public goods and services?
3. What are the different logics of accountability which determine the ways in which the tasks of the service are undertaken?
4. What are the effects of the processes of hybridisation of norms and informalisation of the forest service in terms of the production of public goods and services?
5. ***In what contexts and under what conditions can such a hybridised and informalised delivery system have positive effects on the management, protection and social accessibility of natural resources (forests, wildlife, water)?***

6. Can one identify internal institutional or organisational arrangements that would mitigate the corruption of the forestry services or improve their performance? Are instances of improvements of these kinds simply the result of efforts on the part of innovative local or national leaders, or are they the product of a mixture of different factors, fortuitous, context-specific or, on the other hand, consciously created.

3 Methods and research strategies

Our research approach involves a search for variations and differences, and will be comparative, within and across countries. The forest services of Niger and Senegal exhibit an interesting set of similarities and differences, which makes them an excellent choice for a comparative study.

3.1 A two-country comparison

The two services share a common colonial origin and much of the same history. Their common history includes a similar exposure to development cooperation agencies, the same recent reforms (decentralisation and militarisation of the service), and use of the same training establishments. However, there are important differences in the political and economics contexts in which they operate:

- ❑ Senegal boasts considerable political stability, a consolidated democratisation process and a solid tradition of social participation in local affairs (decentralisation reforms dating from 1972, and a well established peasant movement). The political history of Niger has been characterised by alternation of military and civilian regimes, both multipartyism and decentralisation being quite recent developments.
- ❑ The structure of economic interests linked to the forest sector is also quite different. In Senegal, charcoal production and distribution, which is very profitable and politically very sensitive, is controlled by an oligopolistic private company close to the governing party. It is bitterly opposed to the participatory reforms introduced since 1998. In Niger, the exploitation of forest resources is still organised by the rural wood markets created at the beginning of the 1990s. Long considered a successful example of community-based management, these markets are today in decline.
- ❑ The role of traditional authorities differs too. In Senegal, since the colonial era it has been the Muslim brotherhoods – some of whose members are heavily involved in the forest economy – that are the principal agents of intermediation between the political authorities and citizens. Niger, in contrast, is the one country of the Francophone Sahel to have maintained the administrative status of the chiefdoms established in the colonial period.

Our enquiries will centre on two closely linked aspects of the operations of the forest services: a) their internal organisation and ways of working; and b) their relations with the public and delivery of goods and services.

Regarding the first aspect (a), we shall be particularly interested in the informal arrangements that contribute to the day-to-day operations of the service. This can be illustrated with a couple of lines of enquiry suggested by our preliminary investigations:

- ❑ In Senegal, we have encountered initiatives to formalise the use of the funds that the agents collect, legally or illicitly, when they come across infractions. Traditionally, these earnings were either individually appropriated or paid into a pot and distributed in a clientelist way by the regional director. In some places, however, the agents have

decided to create a fund managed by the accountant, who allocates the proceeds on the basis of a distribution formula which is recognised by all, leaving a balance that can be used to finance urgent repairs, deal with fuel shortages or provide for unanticipated expenditures of a social nature. ***This is a clear example where the formalisation of an informal practice seems to ameliorate the operation of the service, limit predatory behaviour and build internal solidarity.***

- In Niger, the new Minister has decided to nominate ‘indigenous’ officials to head the regional directorates. The emphasis being placed on indigeneity, in contrast with the usual norms of impersonal bureaucracy, is in this case motivated by the desire to break with another practical norm according to which all the regional directors belong to the same ethnic group or come from the same region as the Minister. ***According to those responsible, it ought to permit a better implantation of the administration in the local areas, and in due course a public service that is perceived as more legitimate by its users.***

In regard to the second aspect (b), the task will be to establish how the different informal arrangements do or do not, in different contexts, result on modes of delivery of public goods and services that are more oriented towards the safeguarding of natural resources and the access of rural populations to their benefits. The principal sites at which these dynamics can be observed are diverse, and include:

- forestry control posts on main highways;
- zones set aside for charcoal production (Senegal);
- rural wood markets (Niger);
- wildlife reserves (e.g. Kouré in Niger);
- tree nurseries, and locations where brush fire prevention and soil conservation activities are taking place.

These different locations and sectors of activity, some highly profitable and propitious for corrupt practices, others relevant to the routine work of the forestry services, will give us access to a wide panorama of forms of interaction between the different actors with interests in the management of environmental and forest resources.

Our approach will combine classic ethnographic methods (observation and interviews, life histories) with critical analysis of documentary sources, including the official reports and statistics of the forest service, and reports by organisations that have been supporting this sector for many years.

3.2 Collaborations and ways forward

The research described here has the purpose among others of trying out a number of hypotheses and methods of enquiry that could be applicable to the operational reality of many other sectors of public administration. It does not pretend to provide a sufficient basis for a Research Stream on state bureaucracies. ***We see it rather as a point of departure that should open up further pathways for research within the APPP.*** We already visualise possibilities for collaboration with certain other projects that are just getting started, in particular an extension of enquiries to personnel in the administration of justice (Crook), in public education (Tidjani and Villalón) and in deconcentrated administrations (LASDEL). We also remain convinced of the potential relevance of the questions posed here to the stimulating work undertaken by Brenda Chalfin of the University of Florida on the transformation of customs services in Ghana, South Africa and Liberia.

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Research Stream on Parliamentarians

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Summary

In democratic theory, parliaments and parliamentarians play a critical role in mediating the accountability of states to citizens and guaranteeing the quality of public policy. Scrutiny of legislation and oversight of executive performance are key public goods – as relevant in poor developing countries as in rich industrial states. However, the conventional wisdom is that in most African countries, informal pressures to provide private goods take precedence over public and collective goods provision, which is one of the reasons African states perform poorly.

As part of the good governance agenda, donors have supported a number of programs to strengthen the formal underpinnings of the MP's role, in the hope of increasing the supply of public and collective goods. However, our hunch is that successful public and collective goods provision in Africa is likely to call for successful management of both formal and informal pressures. In their day-to-day roles, Members of Parliament (MPs) face a variety of formal and informal institutional pressures to supply public, collective, and private goods, and proposals for encouraging MPs to behave in more 'developmental' ways need to be based on a better understanding than we presently have of how these pressures interact. Consequently, we propose a study of the formal, informal, and hybrid institutional determinants of the MP's role, using both survey-based and ethnographic techniques to illuminate the means by which elected representatives can be made better servants of the poor in their tasks to solve collective action problems and produce public goods.

The Research Stream will make use of a combination of four empirical strategies: 1) semi-structured qualitative interviews with a strategic selection of about 20 MPs in each country as well as with key clerks attached to standing and select parliamentary committees; 2) a survey with all MPs in each country; 3) surveys with approx. 1,500 constituents in 10 strategically selected constituencies in each country; and 4) ethnographic studies of 2 MPs in each country. Research will be carried out in up to six countries beginning in 2008/9 with Ghana. Other countries that are being considered for similar treatment include Tanzania, Botswana, Zambia, Liberia, and Malawi.

1 Research problem and justification

The role of the African MP as depicted in much of the Africanist literature, in the self-understandings of MPs, and in the popular expectations of many of their constituents, is about providing collective goods and private rewards to supporters, the former by means of formal or informal relations with government ministries and external donors, the latter by means of informal, sometimes illicit, sometimes ethnic, personalized networks. It is a view that says little about the role of the MP in supplying more genuinely *public goods*, such as executive oversight, or the scrutiny of legislation, or the making of public policy; in short, about the kind of role with which MPs are most closely associated in the West. Indeed, in the eyes of most Western observers, including donors, part of the problem of African politics is that MPs

spend too much time grabbing private rewards, in the form of jobs, contracts, and kick-backs, and too little time supplying public goods, or even collective goods to their constituents.

The good governance agenda has sought to strengthen the MP's formal role by strengthening the formal institutions and regulations. Donor interventions have concentrated on strengthening civil society, supporting the private media, providing training for MPs, support to parliamentary infrastructure, visits to parliaments abroad, and civic education to voters, in the hope of transforming MPs into better suppliers of public goods, and concomitantly reducing the struggle for illicit private rewards.

1.1 *A realistic approach to improving governance*

We do not dispute that these governance measures have helped to strengthen the supply of public and collective goods. However, the Africanist literature, together with our own scoping research (Lindberg, 2008), demonstrates that ***MPs are subject to very strong contradictory pressures to supply collective goods and private rewards, and that this may reduce their incentives to comply with donor aspirations.*** These pressures take the form, among other things, of powerful informal institutional expectations about the role of the MP, expectations which we do not expect to change drastically overnight. Consequently, we have a hunch that increasing the supply of public and collective goods is not only a matter as strengthening formal institutions and reducing informal incentives to provide private rewards. Rather, we believe that better public and collective goods provision may rest on complex combinations of formal and informal institutions – hybrid solutions.

To give a simplified example, the MPs who are the best providers of public and collective goods may also be the best manipulators of informal networks and private rewards, or else they may have found novel ways of limiting the influence of private networks on their activities. ***Not enough is known about how effective MPs manage the different demands of formal and informal institutions, or about the circumstances in which hybrid institutional pressures might lead to better development outcomes.***

1.2 *Starting to Hypothesize*

A first explorative field visit to Ghana was done in the spring and a draft working paper by Lindberg based on this field visit was distributed in April 2008. It not only tried out a tentative instrument for semi-structured interviews with MP and other relevant actors; it also found examples of how the office of MP has developed a distinct hybrid character consisting of a combination of the fairly standard formal expectations, and the informal norms of being a 'father/mother' of the constituency. ***The hybrid configuration of the MP's office puts enormous pressures on office holders to be responsive to constituents' needs and priorities.*** Traditional tools of shaming, collective punishment of the family, and loss of prestige and status, are employed as methods of sanction.

Seen in principal-agent terms, the accountability relationship between representative (agent) and citizens (principal) is quite strong and has a great potential for making the agent act in accordance with the interests of the principal. For example, office holders feel pressured to speak on the floor of the House as much as they can and bring knowledge of their constituency and the people's needs to bear on issues for debate. With increased information and civic education, this could become a strong tool of effectuating democratic responsiveness and make policy better adapted to the needs of constituents. Office holders are also held to task for community development efforts. The informal institution of being a 'father/mother' of the constituency plays an enhancing role in making it a primary concern of MPs to bring local development projects to their communities.

We thus hypothesize that across African countries, a variety of institutions, both formal and informal, influence MPs' desire and ability to provide public and collective goods. These include but are not limited to:

- the legal framework governing the role of the MP, for example requirements for parliamentary attendance, an ethics commission, laws against campaign hospitality, and so forth;
- the degree to which MPs and their constituents have been exposed to different forms of civic education, like visits to parliaments abroad, training workshops, and NGO-campaigns;
- the degree to which a national and local media investigate and comment upon MPs' roles;
- the degree to which a party system is dominant, constrained, competitive, and so on;
- the nature of the internal party system, and in particular the procedures for selecting parliamentary candidates;
- the nature of political traditions, including the degree of hierarchy in the traditional polity, the degree to which ostentation is valued, the nature of religious influences;
- the degree to which constituency boundaries aggregate ethnic groups; and finally
- the degree to which political traditions are accommodated by formal institutions, like constituency development funds.

Our assumption is that, in facing the issues of provision of collective goods, the MPs are exposed to pressures from both informal and formal institutions and that they in response try to find a way of operating that we describe as 'hybrid'. While opening the possibility of endogeneity in our design (an issue we will have to deal with later of course), we expect the character of the hybrid institutions as well as independent action taken by the MPs at t_1 to influence the pressures they face at t_2 . MPs can act in good or bad ways so as to create reactions from groups, change expectations among them, and thus shape pressures. While idiosyncratic actions by individual MPs can to some extent be just that, it is also reasonable to expect that such actions are at least in part responses to a set of incentives, disincentives and morale that can be replicated.

Our methodology will identify the MPs who are most effective at supplying public and collective goods, the different institutional influences and combinations of influences to which they are subject, and the day-to-day problems and solutions they encounter when playing an effective role. *Our hope is to generate rich and systematic data on the institutional solutions to improving the performance of elected representatives.* In consequence, we believe that this topic speaks directly to the APPP's overarching goals of finding ways to mitigate or harness patrimonial expectations, to discover hybrid institutions that work for the poor, and to answer the question of whether working with the grain of African social and political realities can strengthen development.

2 Specific research questions

At the empirical stage, research questions will include but not be limited to the following

1. Who are the effective MPs (from both an emic and an etic perspective)?
2. What combination of institutional influences makes them effective?
3. What is the balance between formal and informal means of supplying public and collective goods.
4. How do effective MPs manage contradictory demands?

At the theoretical stage, research questions will include but not be limited to the following:

5. Are there necessary trade-offs between the supply of public and collective goods and private rewards, or can they be mutually reinforcing?
6. Are there any general lessons to be learned about the institutional underpinnings of effective elected representatives?
7. Are there ways of working with the grain of popular expectations, to help MPs perform better?

3 Methods

3.1 Empirical strategies

We aim to gather data by means of *four interlinked strategies*:

- A. Semi-structured interviews with 20 MPs in each country, with a view to providing information on the variety of pressures faced by MPs, forming the basis for:
- B. Surveying MPs in order to discover who the effective MPs are, and what the institutional determinants of their behavior are. We will also interview key parliamentary clerks about MPs' committee behavior etc.
- C. Surveying voters in selected constituencies (150 in 10 constituencies per country), so as to understand their evaluation of their MP, their expectations of MPs' behavior, and their means of making the MP conform with their expectations, viz. to hold him accountable.
- D. Ethnographically shadowing a selection of 2 'best case' MPs per country, in parliament and in their constituencies, observing the day to day problems and solutions they encounter.

The analyzes coming out of the project will be both within-case and cross-country. Expecting variation both across MPs and constituencies within each country, as well as between countries, this is a necessary strategy. Within-case comparisons of both quantitative survey results and qualitative interview findings as well as ethnographic studies, will point us toward important explanatory factors under conditions of holding a large number of other factors constant. As a first analytical step this is a very powerful strategy. Cross-country comparison will be necessary to establish that the within-case findings are not idiosyncratic resulting from case-selection but indeed can be generalized about.

A. Interviews with MPs: We suggest to continue relying on the semi-structured interviews with 20 legislators in each country but we need to refine further the instrument for interviews with MPs across four/five nations. The semi-structured interviews will seek to collect data on:

1. The variation of private-, club-, and public goods that MPs in these countries work to provide (or neglect) in their functions as a) legislators, b) watchdogs of the executive, c) constituency representatives, and d) constituency service.
2. Variation in the pressures they perceive to face from various groups such as a) ordinary constituents, b) constituency elites, c) local party activists/executives, d) national party, e) local chiefs, f) local religious leaders, g) civil society organizations, and h) the executive.
3. Variation in how informal so called traditional norms/institutions have intersected in productive and unproductive ways in terms of production of club- and public goods.

In conjunction with interviewing MPs, we will try to reach also key clerks attached to parliamentary committees. The semi-structured interviews with clerks will primarily try to get rank-ordered data on the best- and worst performers among the MPs within each committee in terms of their roles as legislators and watch dogs. This will help in identifying the MPs for interviewing, as well as for the three ethnographic studies in the three selected countries.

B. Survey with MPs: We will also use a survey instrument that can be distributed to all MPs in each country that can capture some aspects and give us a better sense of the general picture and variation. One methodological problem is how to measure the outcome in terms of what MPs ‘produce’ but here the pilot as well as a scheme developed by the CDD team gave some suggestions. The qualitative interviews can gather some information that is quantifiable in comparable terms; on the quality of work and production of public goods as legislators on several dimensions a ranking instrument of MPs may be possible. MPs can be asked about how many statements they have made on the floor of the house regarding their constituency and about what they have done for their constituency in other ways.

This survey instrument will try to capture some of the aspects covered in the interviews on forms of accountability and provision of public, semi-public, and private goods. By use of the survey instrument, we will be able to tell to what extent the interviewed MPs are more or less representative of the legislators as a whole in each country, as well as get some more quantitative measures allowing an additional and supplementary form of comparison between countries, especially on the extent to which MPs divide their activities in responding to accountability pressures that lead to provision of public, semi-public, or private goods and to what extent their activities undermine or strengthen the workings of other state institutions in terms of ‘working for the poor’.

We will work with local organizations and/or the parliamentary research staff to carry out the survey and do the actual collection of data (typically involving many hours in the house to get a sufficient number of randomly selected MPs to actually fill out the questionnaire). Data will be entered and analyzed by the responsible researchers.

C. Survey with Constituents: Following the interviews and surveys with MPs, we suggest carrying out constituency surveys in about 10 strategically selected constituencies with a minimum of 150 randomly selected respondents/constituency ($N=1,500-2,000$ per country) per country in six countries. Ten constituencies should be enough to enable us to cover both regional variation in external conditions and variation among the MPs in their reported performance. The selection will be strategic, based on the interviews and surveys with MPs so as to be as representative as possible for the variables of main interest. 150 randomly selected respondents from each location are necessary in order to make possible statistical analysis of the data.

The survey should collect data on, among other things:

- a) what citizens would want to be able to hold elected leaders (district assembly men, legislators, president) accountable for – what are the priorities for them, have they changed (change assessed through self-reporting by respondents);
- b) how they assess and perceive the incumbent MP as well as other elected leaders, in the various roles identified in the pilot study in terms of a series of private-, club-, and public goods;
- c) what they expect from election campaigns and the outcome of the election in terms of a wide variety of public and private goods;
- d) if and how they approach the elected leaders, to what extent they emphasize formal or informal norms to access representatives of these institutions; and not the least,
- e) what they *perceive to be* public, collective, and private goods.

It is crucial to get a reliable data base with a sample of constituents to answer our questions with regard to how constituency pressures affect or affected by the performance of the MPs in terms of provision of private, collective and public goods. Statistically significant differences between the constituencies in one country can then be paired and compared with the data on the MPs to draw causal inferences. In the next step, data from across the six countries can be

pooled along with both constituency-level and country-level variables and estimate the effects in a hierarchical logic regression (using clustered standard errors). While the dependent variable (MPs' production of collective and private goods) will probably mostly be measured using soft data (by alternative specifications; self-reporting, clerks' assessments, citizens' assessments), that would be the case for any empirical strategy except for relying strictly on objective indicators such as the number of interventions on the floor of the house, etc.

D. Ethnographic Studies of MPs: With qualitative and quantitative data on the variation of pressures faced by MPs in each country, and triangulation of data on their performance from themselves, their constituents, and staff, we will identify 2 MPs in each country for in-depth, ethnographic study; they should be 'best performers' in terms of provision of public goods. Junior professionals will be identified, hired and trained to conduct an ethnographic study of each MP for about two months each and then write a field report/working paper on each MP. The data recording will focus on issues such as ostentation, the nature of campaign promises, violence, and personal gift-giving.

3.2 Case selection

We aim to study the institutional determinants of MPs' behaviour both within and across countries. The aim is to select cases that are likely to give us leverage on our central research question. This involves trying to hold some of the variables we think significant but not central to our research aims constant, while allowing others to vary. In terms of constant variables, we are holding the electoral system constant, selecting single member competitive constituency systems in Anglophone Africa. In terms of variables that are allowed to fluctuate, we will be choosing countries where we have reason to believe that there will be varying patterns of institutional influence and hybridity.

The research will begin in 2008/9 in Ghana. Six countries with single-member district systems are likely to be included in total, subject to what is learned in the Ghana case: Botswana, Ghana, Tanzania, Liberia, Zambia, and Malawi. There is substantial variation in the precise combination of types of accountability that MPs in these countries face and respond to under similar formal institutions, yet the kind of programmatic vertical accountability that democratic theory (and often practitioners) assume to be key, more often than not takes the 'back seat, forced aside by the demands of personalized forms of accountability. By holding several of the formal institutions relatively constant and having enough variation in terms of developmental outcomes, we can make better inferences about the particular kind of hybrid formal-informal institutional configurations that are associated with better outcomes.

That MPs and their relationships with various constituencies are an important part of the causal story is something we expect to find, not something we can prove at this point. Yet, it seems more than reasonable to expect since the legislature and its members, is a crucial part of the political system. Effective and competent legislative activities are necessary for the entire political system and functioning of all state institutions; executive oversight, when more than perfunctory, is vital to ensure efficiency of the state; dutiful representation of the people and their problems and priorities ensures a feed-back link of communication for better development; and in single-member district systems constituency service is often a vital part of community development.

We already have good experience and contacts in Ghana and Tanzania, and we know that they make an interesting contrast in terms of the degree of hierarchy in their traditional polities, the degree of 'ostentation' and 'big-manism' that is popularly countenanced, and so on. They also vary in terms of the dominance of their party systems. We also have reason to believe that the other selected cases represent a variety of political configurations that are representative of not all, but a large section of Africa and with sufficient variation on both

dependent and likely independent variables that can explain how various institutional formal-informal hybrids lead to better developmental outcomes than others.

3.3 Research partnerships

Three organisations will participate in this project: UF, CDD, and ODI. Our empirical strategy and the design requires a coherent and consistent data collection and analysis exercise so that results are comparative. We thus see collaborative efforts as invaluable and not necessarily based on a geographical division of labor.

The first task is to develop the semi-structured instruments for interviews with MPs and clerks, and a basic version of the survey instruments for MPs and citizens (that can be modified reflecting material gathered in the interviews). This will be a collaborative effort primarily between the UF, CDD, and ODI project members under coordination of the Research Stream Leader. Meanwhile, Tim Kelsall and Gyimah-Boadi will take the lead in developing a template for ethnographic data collection.

Empirical strategy one and two are directly sequential and should be carried out in conjunction with each other. Lindberg did the pilot study in Ghana and will collaborate with the CDD team on a full study there involving Hudson at ODI; Hyden will take the main responsibility for Tanzania assisted by Lindberg; Cammack and Hudson assisted by Lindberg will take the main responsibility for Malawi, and the plan is to have both CDD and ODI team members and Hyden or Lindberg do Botswana, Liberia and Zambia. Both UF and CDD have the requisite contacts and networks in these countries. The third empirical strategy will follow the first two, and we envision a similar division of labour and collaboration as for the first two empirical strategies. Tim Kelsall and Gyimah-Boadi will coordinate the recruitment and training of ethnographers (junior professionals) and supervise the data collection in two constituencies in each of the three selected countries.

Research Stream on Local Governance and Leadership

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Summary

The Research Stream on Local Governance and Leadership will address the following research questions: Under what institutional conditions do local leaderships act in ways that are relatively less predatory and relatively more developmental? Specifically, which local institutional arrangements, modes of governance, hybrid political orders, and forms of authority, legitimacy and accountability are more (and less) conducive to leaders' acting to correct the under-provision of vital public goods in their jurisdictions? In other words, our research questions focus on the relationship between the variety of African local governance systems and their performance, as gauged by their production of public or club goods that are normally underprovided.

We will investigate this variety by establishing an initial typology of local governance arrangements, focusing on different forms of hybridity and the articulation between at least four modes of local governance: 1] the chiefly mode; 2] the associational mode; 3] the administrative mode; and 4] the communal or local-democracy mode. Our 'hunch' is that local governance systems are better able to produce public or collective goods when they build on extant forms of legitimacy, authority and accountability and/or 'work with the grain' of local de facto institutional arrangements in some other sense – to be specified on the basis of the research.

The research will be divided into four overlapping phases: 1] a phase of preparatory research in each country to survey the types of local leaderships of relevance to APPP and to select ethnographic sites; 2] a meeting of lead researchers to design a comparative research framework; 3] historical studies of the economic and institutional embeddedness of local authority relations; and 4] ethnographic data collection through observation and interviews.

*In the first two years, **the research will be done in 6-7 countries**, likely to include Malawi, Niger, Rwanda, Sierra Leone, Senegal, Tanzania, and Uganda. It will be done under the direction of different country leaders, beginning in late-2008 and running into 2011. Additional countries and cases may be added if further comparative work can strengthen already robust findings and if additional funding is available. The preparation of a final report will be the responsibility of each country leader. These will be synthesised into a theme report by the Research Stream leader with the full participation of country Team Leaders.*

1 Research problem and justification

While many of the sources of lagging development performance in sub-Saharan Africa are national or transnational, others are sub-national. Macro-level shortcomings in governance attract most notoriety, but the failures of local governance and local leadership are in some ways more fundamental. Whether or not there is effective provision of the essential enabling

conditions for economic enterprise and human development within local-government areas is a major determinant of success in development at the national level. The calibre of local leadership and governance measured in these terms is therefore a central topic for the APPP.

1.1 The 'hunch' to be explored

The Local Governance and Leadership research stream starts from the observation that, while a good deal of local governance in Africa today is inept and ineffective at best, this has not always been the case. Within living memory in several countries, including Malawi and Uganda, local leaderships commanded stronger authority and greater legitimacy, and exercised their power in less predatory and more developmental ways. The various waves of administrative 'modernisation' and democratic decentralisation that have taken place in these and other countries have, more often than not, weakened rather than strengthened accountability and effectiveness. They have put in place political logics and incentives that stifle local initiative and weaken key public disciplines, such as those associated with public health, infrastructure maintenance and environmental conservation. However, the degree to which this has happened varies from place to place, across and within countries.

The Research Stream takes this variation in institutional patterns and outcomes as the basis for investigating which forms of local leadership and governance might be worthy of being promoted, as positive instances of 'working with the grain' in African governance. We do not start with a firm and agreed conception of what this phrase might mean. It is clear that in the present as in the past the prevailing structures of local governance have been complex hybrids of more or less indigenous and other, more or less imported, forms. ***The task before us is to use empirical research and comparative analysis to try to distinguish between the hybrid orders that appear to work for development and those that do not.***

1.2 Initial approach

A variety of hybrid political orders will be investigated during our initial phase of research, as well as the nature and origins of the institutions that underpin them. Four key modes of local governance that interact to produce hybrid arrangements have been suggested: 1] chiefly; 2] associational; 3] administrative; and 4] communal or local-democracy; but any other mode that is locally significant may be added to this list. We will investigate how local political systems in different localities have varied across time, paying attention to both informal (*de facto*) norms/rules and formal (official) institutional arrangements. We will explore how the different modes compete, undermine, usurp, supplement or complement each other, with what implications for legitimacy, authority and accountability, and performance as measured by whether essential public goods are provided or not.

The intention is to select cases of local leadership that are endowed with different kinds and degrees of power, legitimacy and accountability. The research will develop specific hypotheses about how the norms influencing leaders' behaviour incentivise or inhibit actions that facilitate improvements in the conditions of local people – notably, by enabling the provision of normally under-provided public goods. One proto-hypothesis is that leaderships that are able to draw on 'extant notions of moral obligation and interpersonal accountability' (Kelsall, 2008a) are more likely than others to be effective in this sense. However, alternative formulations may emerge and will be developed as fieldwork proceeds (Olivier de Sardan, 2008).

We will consider alternative understandings of the contribution of representative democracy at local government levels. It is clear that democratic politics can undermine rule enforcement and the forms of collective action that are required to generate some public goods. On the other hand, elected leaders may under some circumstances be more likely to

stand up to historical norms working against the enforcement of rules that have public benefits. Unlike uncritical proponents of decentralisation who assume that the key to success is always the introduction of western-type systems and structures, we will explore exactly how formal rules and *de facto* norms compete with, supplement or complement one another to create functional hybrid orders and positive outcomes.

1.3 Performance/public goods

We shall need to reach agreement on the range of types of outcomes or performance variables that interest us. We need an answer to the question: what are the critical public or club goods that are significantly under-provided under current forms of local leadership or governance, and whose proper provision would constitute an important positive outcome? This is an important question, but we plan to leave the answers relatively open in the first phase of research.

Our working assumption is that the goods likely to be focused upon will range from justice/reconciliation and public order to the observance of public-health or environmental-conservation regulations. Each of these types of good contribute to the attainment of beneficial public outcomes of a higher order. In other words, we aim to focus on intermediate outcomes that enable conditions for positive shifts in final outcomes. ***We shall be interested in outcomes that are sustainable and can be scaled up.*** What people think – their ‘emic’ perceptions – will be relevant, among other considerations, in determining which goods will be treated as the ‘dependent variables’ of the research.

The team’s final agreement on this issue will be informed by APPP’s common concept of what constitutes public goods and by the results of our scoping and historical studies. The decision will be made at our meeting in Phase 2, *before* we start our full-scale ethnographic research.

1.4 In summary

The focus of our research, then, is to identify the relationship between the ways local leaderships are constituted and the ways they perform.

1. Specifically, the *nature of leadership* will be explored by analysing:
 - the characteristics, over time, in the same space, of the various forms of local leaderships, including their origins and degree of authority and accountability;
 - the key formal and informal (or ‘practical’/*de facto*) institutions upon which local leaderships are constructed, and where these norms have come from; and
 - ‘emic’ and ‘etic’ perspectives of the role and value of local leaderships.
2. On the other side of the equation, *performance* will be gauged in terms of:
 - the types of private and club goods produced, or not produced in spite of evident need;
 - ‘etic’ and ‘emic’ assessments of the nature of the goods produced/not produced;
 - how members/groups decide whether to press for public as opposed to private or club goods – i.e., what causes a community to aspire for more than narrow and personal gains?

2 Scope and methods of research

The empirical research for this Research Stream will proceed in stages, using a continuous learning process to refine the design of the work. The preparatory research phase will include work in sites in 6-7 countries (including three countries sharing borders) where we

will explore a variety of hybrid political orders and the types of public goods being produced. The governance forms of interest will include systems that are firmly rooted historically (e.g., Traditional Authorities in Malawi or lineage chiefs in Sierra Leone) although they have been modified repeatedly by (post-) colonial regimes. They may include some ‘parchment institutions’ created by modern law, including some that are relatively newly (re)created (e.g., *communes* with elected councils in W. Africa) but work within long-standing socio-political norms. ‘Town chiefs’ in Malawi have neither parchment nor historical roots, but draw upon both types of legitimacy and interact with both ‘traditional’ and legal-bureaucratic authority.

The team is faced with the need to understand the relationship between a range of the independent variables (hybrid institutions) and dependent variables (outcomes) while at the same time coming to an agreement about case selection and field methodologies that takes into account different research traditions as well as the established APPP research-design protocol (as outlined in Booth, 2008). This is difficult to do in all but theory without going to the field and identifying various hybrid governance modes/political orders at local level (and their institutional bases) that are producing/not producing significant public goods. For this reason, the design process of this research stream will not be concluded until April 2009.

The research will be divided into 4 overlapping phases:

1. Preparatory research geared mainly to site selection and hypothesis development, accompanied by the preparation of a further ‘think piece’ which draws on what else the literature and previous fieldwork can tell us about the relevant variables.
2. A meeting of senior researchers to discuss the findings of our preparatory work, to make final site selections, to design research protocols and guidelines, to share the ‘hunches’, ‘hypotheses’ and ‘theories’ that underpin these, and to establish a research/writing schedule.
3. Historical studies on the nature of leadership at sites selected.
4. Ethnographic case studies, and reporting.

It is expected the preparatory fieldwork and think piece drafting will complement one another. For example, if the scoping identifies potentially interesting sites we shall want to survey the available literature relating to that locality, but the historical study/literature review may also throw up historical examples or localities where relevant ethnographic work has been undertaken in the past, which would lead us to look at those sites in more depth. This type of iteration will help us to build up a number of historical and contemporary within-country cases for comparison.

1. The ***preparatory research*** will be done specifically to identify interesting cases with various types of local governance arrangements, institutional roots and different outputs. It should consist of 1] travelling to different areas of the country to collect information about different forms of leadership (origins/roots, functions, outputs) historically and in the general area, and to talk with local key informants; 2] interviewing national and local key informants who have a broad understanding of modes of governance at the sub-national level; and 3] interviewing potential fieldworkers for the main phase of the work. 4] Brief historical overviews will be done to document general trends of local leadership and governance in each country.
2. After the preparatory research and think piece are complete, in April 2009, researchers will meet to share findings and discuss site selection and proposed research methodologies. We must agree on a list of high-level research questions, which will be used in all countries when selecting in-depth ethnographic research sites, and when designing case- and country-specific questions and interview guides. This is intended to ensure broad consistency of cases and studies across countries. The timing of outputs and duties of lead researchers will also be decided in April.

3. Once sites are chosen, *historical studies* of the various forms of leadership and their outputs at the specific research sites will be undertaken. A broader understanding of leadership patterns in the wider area (region/nation), and of changes over time (and reasons for changes) in the specific area will be needed in order to frame these micro-studies and explain any outside/national/regional influences on the nature (form, duration, legitimacy etc) of leadership.
4. Long-term *ethnographic studies* will be undertaken in selected sites, with local researchers observing and collecting (and triangulating) data from various sources – community members of all types, local leaders, other elite, officials (party, state, local, elected), ‘traditional’ leaders (chiefs, headmen), etc. These studies will be undertaken by local researchers (with local language skills) who are trained in ethnographic data collection, who will report regularly to the team leader in writing. The country leaders will produce written reports, which will be combined into a theme report.
5. If additional funding were available, we might add other case studies in 2010-11, based on the findings emerging from our the scoping/historical and ethnographic work of our initial country-cases. We would do additional work only to increase the number of direct comparisons of particularly interesting cases (e.g., where the form of institutional hybridity has produced significant public goods). For instance, other cross-border studies (Liberia-Sierra Leone; S. Africa-one of its neighbours) might be considered, as might research that focuses on (peri-)urban leaders, rural chiefs, or on other forms of local governance in new countries.

3 Timeline and staffing

The preparatory research should be started in late 2008 and completed in early 2009, so that we have substantial inputs to the discussions and decisions in April 2009. The Phase 2 meeting will take place in a convenient location in April 2009. The sites should be selected and major historical research started by mid-2009. The ethnographic field work phase will take 2 years maximum. The duration of each country study will depend on the number of researchers available, the number of sites, and whether sites are done at the same time. The duration of case studies will be discussed at the phase 2 meeting.

The Malawi town chief scoping visit and first report, which are separately funded by the Advisory Board for Irish Aid, is being completed by November 2008.

Phase 1 Sept 08 – April 2009	<ul style="list-style-type: none"> • Preparatory research in all sites and countries, including broad historical studies; • Malawi report on town chiefs to ABIA complete; • Literature survey of theoretical, conceptual, and methodological frameworks completed.
Phase 2 Late-April 2009	<ul style="list-style-type: none"> • Meeting to finalise site selection, methodology, other theoretical issues • Training in ethnographic field research techniques
Phase 3 May –July 2009	<ul style="list-style-type: none"> • Historical studies of institutions and modes of leadership for sites that are selected for field research • Setting up research teams, writing site-specific research tools
Phase 4 August 2009-July 2011	<ul style="list-style-type: none"> • Ethnographic field research • Report finalised within two months of completing research
Late 2010-2011 ?	<ul style="list-style-type: none"> • Extension of existing research in selected sites • Selection of complementary case study sites to fill in knowledge gaps and seek new funding
2011-2012 ?	<ul style="list-style-type: none"> • Final ethnographic field studies and reports • Theorizing and publications

Each country will have an overall team leader, and other APPP team members working in that country on the Local Leadership programme should coordinate their work with him/her. Decisions about who will write country reports will be agreed between the country-leader, other in-country APPP team members/ authors, and the local leadership theme-leader. Each country leader will be responsible for finding/ hiring/ensuring outputs of local staff. Administrative support (with payment of local staff, etc) will be provided by APPP Programme Manager.

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Research Stream on Local Justice Provision

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Summary

The provision of effective, legitimate, and accessible justice through judicial institutions and more generally through the 'rule of law' is probably one of the most fundamental of all public goods expected from a well governed state. Research into the factors which might explain how African state or state-supported judicial institutions can better provide these public goods therefore addresses one of the core concerns of the APPP.

Currently, the legal systems and courts of most African countries are widely condemned as inaccessible to ordinary citizens because of their formality, alien procedures and concepts derived from their colonial origins, corruption and inefficiency. In Anglophone common law countries in particular, there is a deep crisis caused by overload and backlog of cases which in effect amounts to denial of justice by the state. In recent years, however, many African states have attempted to address these crises of the public legal system through reform of judicial institutions, particularly at the local level. The search for alternatives has included 'popular justice', revival of 'traditional' forms of dispute settlement and chiefs' tribunals applying customary law, and various forms of Alternative Dispute Resolution (ADR) ranging from court-attached ADR provided by lawyers to state support for paralegals, NGOs and other state agencies providing dispute settlement services. In addition, recent research on the state courts in Ghana has found evidence of considerable 'informalisation' of procedures which is making them much more adapted to local social norms and public expectations, and suggests that their 'colonial' and formal image is rather exaggerated if not misleading.

By using non-formal codes of law or procedure, these new state-supported local justice institutions may provide interesting examples of 'working with the grain' of local societies, which is a core concern of the APP Programme. In the first phase, remainder of 2008-09 and 2009-10, the project will select for study new justice institutions in Ghana and Uganda and compare them with formal Magistrates Courts. The substantive focus will be on land, inheritance and property disputes.

The key questions will be: (a) to what extent are these local justice institutions providing the public good of a 'rule of law', meaning effective application of codes of law and procedures which are accessible, trusted and legitimate in the eyes of the public? (b) What intermediate public goods are being provided through the impact of their decisions on particular interests or classes of society such as customary landholders, or women? (c) To what degree does institutional informality explain variations in performance? Or are other explanations such as power and political dimensions, codes of law, or institutional autonomy as important? Methodology will combine anthropological observation of legal processes with interviews and surveys aimed at discovering subjective values—local understandings of what fairness or due process mean and what people actually seek from dispute settlement institutions.

1 Research problem and justification

1.1 *Justice as a public good*

The core *explicandum* for our comparative research programme has been defined as the level of provision of important ‘public goods’ by African states. ***The provision of effective, legitimate, and accessible justice through judicial institutions and more generally through the ‘rule of law’ is probably one of the most fundamental of all public goods expected from a well governed state.*** The law – and hence the state – is present at every point where the myriad relationships amongst individuals, families and groups in a complex economy are enforced, regulated, defined or facilitated, from marriage and sexual behaviour through to economic exchange, the disposal of property and the power to command the services of others (Poggi, 1978; O'Donnell, 1999).

The judicial system and the legal codes which it applies or supports (as with customary law in Anglophone Africa) are critical institutional mediators in this process of enforcement and regulation, although of course a broad range of institutions other than formal courts and police are involved in this mediation between state and civil society, from quasi-judicial bodies and administrative and regulatory officials through to associations with delegated powers to self-regulate. Oppressive or inadequate performance by these institutions (‘intermediate outcomes’ such as lack of protection against arbitrary and oppressive behaviour by the state or by the powerful, denial of rights, lack of security of land and property) is a symptom of a more fundamental and generic lack of capacity to provide public goods. This is most obvious in the case of the criminal justice system and policing which should, if they are working well, sustain that purest of public goods: public order.

The externalities (costs and benefits) provided by the civil judicial system also justify its classification as a ‘merit’ type of public good, a term applied to services like education or clean water which are excludable but have very wide and serious social consequences (‘public harms’) if they are provided badly, inadequately or too narrowly (cf. Batley, 1996). The external benefits of an effective and legitimate judicial service can be categorised into the general and the sector-specific.

At the most general level, the quality of judicial services determines the extent to which citizens – particularly the least powerful – believe there is a public or collective realm within which their claims can be heard, and heard fairly according to due process. To what extent do citizens believe that public officials are subject to legal and moral norms—or is the state perceived as a tyrannical and arbitrary monster? (cf. Young, 1994 on the legacy of the colonial state). If people do obtain settlement of their claims or disputes, can they have confidence that the decision is certain and will be enforced? ***In short, the degree of public trust in and the legitimacy of public judicial institutions directly underpins the legitimacy and trustworthiness of the state itself.*** High levels of trust, it may be argued, are associated with the extent to which local understandings of ‘fairness’ and ‘due process’ are embodied in the operations and codes of judicial institutions. What those concepts are and whether they are so embodied is one of the core empirical tasks of any research in this area.

The sector-specific ‘intermediate outcomes’ generated by judicial or legal institutions also have significant external costs or benefits which may be seen as public goods. In aggregate, the decisions of courts and the codes and remedies they apply may have either positive or negative impacts on the rights and life chances of particular ‘classes of person’. One of the most important and significant areas dealt with by courts in Africa is disputes over land held in what is called the ‘customary sector’ in both the urban and rural areas. Whose interests are being upheld – customary small land holders or urban developers and chiefs? Widows or male relatives? A general judicial trend to support the rights of customary smallholders is a non-

divisible and non-excludable good for that category of person. In the area of family and inheritance law, judicial decisions to support the rights of widows or female divorcees are a public good for all women.

Not just the codes applied, but the procedures used in courts can also have general outcome effects. What are called ‘legal gateways’ determine what kinds of remedies people are able to access; if a litigant is able to access a High Court in a common law country, they can get a ‘declaration of title’ , or be awarded a piece of land, although this then has to be enforced. These remedies support the generic protection of individual rights as noted above. Procedures which aim at reconciliation or restitution (as in ADR) may not support such outcomes but instead produce other public goods such as social reconciliation, or conflict resolution which are of importance in post-conflict situations, although these are notoriously hard to measure. It should also be noted that justice aimed at reconciliation carries the danger of enforced or premature agreement imposed on the weak by the powerful, leading to loss of rights for whole classes of people (another negative outcome).

1.2 ‘Working with the grain’, informality and new forms of local justice

Research on local justice institutions is of particular interest to the APP Programme not only because of the important public goods produced by judicial institutions, but because of ***the major trend in African legal reform and legal practice to develop forms of dispute resolution which are more locally rooted than the formal courts inherited from the colonial period.*** These attempts to ‘work with the grain’ vary, from popular justice based on locally elected and community-based court members (Uganda’s Local Council Courts and Land Tribunals, Tanzania’s Land Tribunals), revival of chiefs’ courts, customary justice or the application of customary law by local courts (Ghana, Malawi, Sierra Leone) to ADR provided either through state institutions and the courts, or NGOs and ‘paralegals’ (Ghana’s Commission for Human Rights and Administrative Justice, Sierra Leone). There is also evidence that formal local courts such as Magistrates Courts in Ghana and perhaps Uganda have in practice developed procedures which are more congruent with local expectations and cultures, whilst still applying formal state law (Crook et al., 2007).

It is important to stress that informal in this context is not coincident with ‘non-state’. On the contrary, what is most interesting for the Programme is that the state is supporting dispute-settlement institutions (DSIs) which are not applying formal law or procedures, and in the case of ADR, are not necessarily imposing binding adjudications. And on the other hand, some non-state DSIs such as the superior chiefs’s courts in Ghana are actually very formal in their procedures.

Research into whether public good outcomes are or are not produced by this combination of state law and state support with informality and local rootedness therefore addresses one of the key concerns of the APP Programme. ***There are few empirical studies of how these emerging local justice institutions actually work.*** There are a number of ‘one-off’ case studies which are suggestive (e.g Kees van Donge, 1999; Khadiagala, 2001) and some general policy studies concentrating on ‘traditional’ and informal justice (Penal Reform International, 2000, Nyamu, 2003; IDEA 2008). Recent studies by Crook and colleagues and by Ubink on Ghana and Cote d’Ivoire (Crook et al, 2007; Ubink, 2008) are among the few which attempt systematic empirical surveys combined with anthropological observation of the full range of state and customary dispute settlement institutions, focusing on land disputes. A comparative, cross national study of new local justice institutions is therefore needed which assesses variations in their performance outcomes, and investigates whether those outcomes are associated with greater congruence with local understandings and expectations of public justice, or not. Such a study would make an important contribution to the general literature as well as to the Programme.

2 Research design and research questions

The main research questions for this project are:

1. to what extent are new or alternative forms of state-supported local justice institutions in Africa providing dispute resolution services for ordinary citizens are which effective, accessible and capable of sustaining a 'rule of law' which is trusted and valued by ordinary citizens?
2. Whose rights (as applied to classes of person) are being upheld –or denied— by the codes of law and procedures being applied by these institutions?
3. What explains the variations in the degree to which these local justice institutions provide the above outcomes? Is it their degree of institutional 'informality' (defined as the practical norms or 'theories-in- use' which determine the way cases are handled)? Are more effective institutions rooted in local cultures and 'traditional' power hierarchies? Or are other explanations more powerful?

These questions will be researched through comparative case-studies of local justice institutions selected to exemplify both conventional formal courts and new 'alternative' forms of dispute resolution institutions. Comparison will be both within-country and cross-national, beginning with Ghana in 2009-10 and moving on to Uganda as soon as time and resources permit. In order to keep the empirical frame manageable, the research will focus primarily on land and inheritance cases.

In Ghana, we shall select a sample of Magistrates Courts, the District ADR services offered by the Commission for Human Rights and Administrative Justice, and, if present in sufficient numbers, the new chiefs' 'land ADR tribunals' envisaged by the Customary Land Secretariats programme of the Land Administration Project (Ministry of Lands). In Uganda, the study may focus on the elected Local Council Courts, and the Magistrates Courts Grades I-III. However, the Uganda study is dependent upon negotiating a strong and affordable partnership with Uganda-based researchers during the remainder of 08-09. Other members of the consortium have indicated an interest in extending the study to Tanzania, Malawi and/or Niger in 2010-11.

2.1 Operationalisation of concepts

The performance of justice institutions will be measured by indicators for outcomes such as effectiveness, accessibility, trustworthiness, legitimacy and public satisfaction. Both subjective and objective indicators are necessary for measuring such concepts.

Effectiveness can be measured by objective outputs which in the case of judicial institutions would include factors such as numbers of cases dealt with over time (are backlogs increasing?), speediness and cost, likelihood of enforcement, etc. But it can also depend upon public satisfaction measures insofar as different kinds of people may see the outcomes differently. Whose interests are actually being protected? If the judgements are enforced, is security of possession assured? (Courts could be very 'effective' at dispossessing people such as smallholders in favour of big landlords). Are the courts helping to resolve conflict in a wider sense, which may be a function of the acceptability of decisions to all parties?

Accessibility can be measured objectively by collecting data on the characteristics of litigants and on the affordability and ease with which a case can be brought. But there are also subjective elements based on how people experience the justice process; do they understand the proceedings? Are they reluctant to go to court because they are intimidated by the judges

(local power elites or rival factions or families may have captured the institutions) or by the language and procedures?

Trust in justice institutions and their legitimacy, on the other hand, are almost entirely subjective concepts which can only be discovered through collecting data on public satisfaction with and perceptions of the institutions in question. Trust is about both practical and value questions; we need to ask why people choose (if choice is a real possibility) to use one kind of tribunal rather than another. They may simply assess this on practical grounds like speed, cost or convenience; or, more commonly on a calculation of how likely they are to win ('forum shopping'). But trust is also about whether people expect a DSI to reliably deliver what they value; do they think the judge will be fair and impartial and will understand the nature of their problem? Or do they choose a judge who they know will be biased in their favour? Do they want certainty and enforceability? Are they looking for reconciliation and social harmony or revenge against the other party? In asking about trust, it will be important to distinguish between actual litigants (people who have experienced a case or are currently in dispute) and the general community. Those who have experienced a dispute can be asked what they thought about the justice institution and the result – particularly whether they found the process and the result acceptable, even if they lost. The general community can be asked about who they would trust to settle a dispute in terms of more general values.

Legitimacy is the most subjective of all characteristics which might be attributed to a dispute settlement institution. It is the belief by citizens in the 'rightfulness' of an authority, in this case a state-supported legal institution (Poggi, 1978: 101-2). In other words, it is a moralisation of legal – and hence political – authority which depends upon the theories which people hold about what is justice and due process, and hence whether the decision of a judge as an agent of public authority should be respected (Schaar, 1984: 111). The highest form of public good is when citizens believe that officials of the state and ordinary citizens are subject to the same codes and hence public authority is not arbitrary or lacking in moral worth. It should be recognised for the purpose of this research that to find such a coincidence of popular and official ideologies of rightfulness is in fact quite difficult and rare even in 'mature democracies'. In Africa, legitimacy may not extend beyond the narrow circles of the ruling military and bureaucratic elites (cf. Crook, 1987). Nevertheless, it is still important to try to establish what values people in the case-study countries hold about what is a 'due process', and whether they feel that the local state-supported justice institutions embody it.

To investigate which classes of people are benefiting or losing from the decisions of the local justice institutions will require analysis of the codes of law being applied and a review of the jurisprudence of the land and inheritance precedents. Law reports are unlikely to be available for these lower level courts, so the research will need to be based on cases actually found or observed and an analysis of how they relate to both local customary law and the more general body of common law. In both Ghana and Uganda, much of customary law has been judicialised through incorporation into the common law courts since the colonial period, so that there is now a complex debate about the differences emerging between 'lawyers' customary law' and the still evolving 'customary law as practised'.

A range of different hypotheses for explaining variations in the performance of the local justice institutions will be investigated. Given that the major interest of the APPP is in the degree to which the informal aspects of hybrid institutions have a positive or negative impact on public good outcomes, this factor will be given primary status in the research. But it should be stressed that ***no assumptions are being made about whether informality is or is not a positive explanation of good performance.*** This is a matter for empirical investigation, and the research must be open to the possibility that the formal and authoritative aspects of state law are what make institutions perform better at least in the perceptions of some citizens. And informality needs to be defined in a more operational way than that presented in Programme documents to date. Possible ***explanatory factors*** are therefore defined as follows:

1. The degree to which justice institutions use predominantly informal codes and procedures; these are defined here as the practical norms or ‘theories-in-use’ which mitigate or modify formal rules and may or may not help to produce effective and valued justice outputs. But the question of the substantive content of these practical norms needs to be unpacked. Informality could allow for a number of different practices to enter into the everyday working of an institution, which the concept of ‘working with the grain’ obscures rather than defines. The following distinctions can be made:

- Informality as the degree to which justice is ‘de-legalised’: this does NOT mean the use of customary as opposed to state law, since customary law has been so thoroughly legalised, formalised and linked with the political power of the chieftaincy in Anglophone Africa. This is particularly important in ADR institutions which are attempting to combine Western notions of voluntary mediation between individual parties with local ‘common sense’ or non-legal ideas about equity. And magistrates may use non-technical and more ‘user friendly’ procedures to facilitate the progress of a court hearing.
- Informality as willingness to adapt to local or popular cultural norms: this could be as simple as using local languages and idioms. Or offering differing kinds of remedies and settlements. These should not be prematurely reified as ‘traditional values’ nor identified with ‘neo-patrimonialism’ or ‘economy of affection’, with which they are frequently confused. These are in fact three distinct possibilities, none of which might correspond to specifically local norms concerning land and dispute resolution. That judicial decisions are influenced by patrimonial considerations, or by venality, are probably widely held popular beliefs in Ghana and Uganda. But often people disapprove of this and want things to be different. The same might be said for attempts to revive chiefs courts, where certain notions of ‘tradition’ are obviously central to their *raison d’être* but are not necessarily shared by the population and those with land disputes to settle. The use of ‘tradition’ could in fact make the institutions less valued and effective. The research will therefore have to identify and describe what kinds of norms are being facilitated by informality, and whether they are associated with better performance or not.

2. How do the political and power dimensions of the judicial institutions affect their performance? Are they captured by particular administrative or political elites? What are the relations between local and central elites? Which interests (status, economic, ethnic) do the political elites represent? How do traditional hierarchies (chiefs, age groups etc) relate to the institutions ?

3. The substantive content of the codes being applied by the different institutions may also be a significant factor in what interests are supported and how the processes work. Legal codes and their interpretation do matter, especially if certain interests are working to ensure one kind of interpretation over another.

4. Are the institutions cases of ‘insulated’ or autonomous islands of effectiveness with special leadership or management or special Presidential patronage? If so, do they represent an unsustainable experiment or can the judicial sector be the carrier of a different way of doing things? Is autonomy one of the explanations for an ability to work well and to challenge neo-patrimonialism rather than work with it – as may be exemplified by the Ghanaian CHRAJ?

3 Empirical strategies and data collection methods

The logic of the research design is that empirical investigation is used to describe and establish the performance of the selected local justice institutions on various dimensions: effectiveness, accessibility, trustworthiness, legitimacy and public satisfaction. This creates a set of detailed or thick descriptions of cases. ***Performance will be explained within each case according to the hypothesised factors and any others which may present themselves during the research.*** Comparison of different levels of performance follows, in an attempt to isolate key variables using a Ragin-type methodology. The choice of formal judicial institutions (Magistrates Courts) together with new 'alternative' kinds of dispute settling institutions is intended to facilitate a direct comparison between the impact of informality within a hybrid institution as against an institution designed specifically to provide an alternative to formal law.

The need to collect both subjective and objective data requires a mixture of data collection techniques. As noted, much of the data on effectiveness and accessibility requires documentary evidence and interview evidence using researcher categories to generate quantitative information. But the subjective data will necessitate a mix of interview and survey techniques and anthropological observation:

- Elite semi-structured interviews with key informants in the institutions themselves, judges, lawyers, community leaders in order to understand legal processes and codes, the administration of dispute settlement as well as attitudes and values.
- Questionnaire-based surveys of litigants and the populations of local communities in order to gather representative data on accessibility, attitudes to dispute settlement, experiences of going to court, who is trusted and why, values concerning justice and due process
- Observation of court proceedings to ascertain how legal codes and informal codes are put into practice, relationships among parties, litigants, judges and the public.

The sample of justice institutions for intensive study will be limited by the resources available.

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Research Stream on Formalizing Schooling

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Summary

Education is clearly a major public good which states are expected to provide. It is also arguably a very crucial 'intermediate outcome' contributing to both economic and political development. In much of Africa, however, education as a public good has been poorly delivered, and of strikingly declining quality in recent decades. The response to this decline has been a proliferation of various informal, society-based, alternatives. This project proposes to study a set of recent reform initiatives that are attempting to capture these social responses by integrating informal (society-based) educational institutions into formal (state-sponsored) ones, in three Francophone West African countries: Niger, Mali and Senegal.

Jointly coordinated by researchers based in two APPP consortium partners, we propose to oversee a set of empirical case studies in these three countries. We then propose to analyze these case studies for the lessons they might provide to the broader APPP concern of examining the developmental impact of institutions that work with rather than against prevailing moral orders and value systems. We anticipate that the project will produce individual working papers detailing the empirical cases of each country, as well as a theoretical/overview paper examining the implications of this project. Given the strong interest in this area, we also hope to publish the study in book form.

1 The research problem

The public education sector is clearly the provider of a centrally important 'public good' in developing countries. It is of significance both for its role in training a workforce adapted to development goals and for its political impact in shaping the political orientation of new generations of citizens. Yet it is also clear that in much of Africa (and perhaps especially in Francophone Africa), the institutional structures of educational systems that were inherited from colonialism have been a very poor 'fit' with societal demands and cultural realities, and that this is at least part of the reason for the widespread failure of educational policies to foster developmental outcomes.

Across the Muslim majority countries of the Sahel, one response in the post-colonial period to the reality of the bad 'fit' between the provision of public education and social expectations has been the development of a vast parallel system of informal religiously-based education, outside the official state system, and created largely in explicit response to the limitations of the state educational system. These unofficial, 'informal', or 'parallel' schools are of widely varied form and levels, ranging from very basic Qur'anic schools to quite sophisticated 'Franco-Arabic schools'.

Interestingly, a number of factors in recent years have prompted a number of countries in the region—including Mauritania, Senegal, Mali, Niger, and Chad—to embark on significant experiments in reforming education. These initiatives involve bringing the informal and semi-formal systems more squarely into the formal state system, and at times reforming the formal system to borrow characteristics from the informal, such as the introduction of religious education in state schools. We propose to comparatively examine

these processes in three of these countries—Niger, Mali and Senegal—all of which are fairly well advanced in the implementation of these reforms. (Practical considerations also militate in favor of the selection of these three as case studies.)

The reform processes in all three of these countries are largely driven by the argument that bringing educational institutions more into line with local social realities and expectations will help to make things work better by creating systems that (in APPP terms) will work ‘with the grain’ of social and cultural realities rather than against them. In these countries, then, states have embarked on projects to recognize the parallel educational systems, while also trying to impose some degree of formalization, resulting in the creation of what are in effect new ‘hybrid’ systems. *These processes thus in some important ways represent interesting case study ‘experiments’ addressing very directly the kinds of issues about the ‘fit’ between state institutions and African social and cultural realities with which the APPP program is concerned.*

We would suggest that empirical study of these specific cases in this initial stage of the APPP theory-building project has the potential to raise issues of broader concern which could fruitfully be examined in further work. In particular, there are two interesting potential comparative dimensions that we believe might merit further consideration: the impact of varying configurations of educational institutions on development outcomes in other African contexts, and the role of religious institutions in shaping the effectiveness of state initiatives for the provision of public goods.

1. Comparative education policies and development in Africa: Education in Africa is a significantly understudied policy area,¹³ yet it is potentially highly relevant in terms of explaining relative development and underdevelopment; arguably education policy represents one major difference between the developmental strategies pursued by East Asian and African states—with direct implications for development. Given the catastrophic situation (or at least very mediocre results) of many African formal education systems as inherited from colonial institutions, it may be of interest to undertake a comparative consideration of educational policy in other African contexts, with a focus on the relative “fit” between formal state educational institutions and both cultural realities and developmental needs.

2. Religious institutions and the effectiveness of state initiatives: Among the broad range of social institutions that play central roles in shaping the behavior of citizens and their willingness to acquiesce to state policies, the most central in Africa today may well be religious institutions. In addition, religious institutions across the continent have to varying degrees rivaled or compensated for the state in the provision of certain public goods. In both Muslim and Christian areas, there has been a proliferation of organized religious institutions with broad influence in public affairs and thus a direct impact on the relative effectiveness of state initiatives. Both state agencies and NGOs have thus begun to experiment with efforts to engage directly with ‘faith-based organizations’ in pursuing public policy issues and in supplying public goods, including not only education but such things as health policies (HIV, family planning) and natural resource management (water, etc). Further APPP research might thus attempt a comparative consideration of the political and developmental consequences of how accountability, power, and influence in religious organizations shapes the provision of goods. Such projects could draw on a range of African cases in both Muslim and Christian areas, and could be focused on various public goods.

¹³ Indeed, in a symposium on the “Big Unanswered Questions in Comparative Politics,” Joel Migdal has recently suggested that state education policies in general are a significantly understudied aspect of relations between states and their societies *everywhere*. See *APSA-CP*, the newsletter of the Comparative Politics section of the American Political Science Association. Vol 19. No. 1 (Winter 2008)

2 Research questions

The fieldwork for these case studies will be organized first around three sets of empirical questions about the cases themselves, and the analysis will then undertake to address a set of broader theoretical questions of significance to APPP. *The empirical questions that will guide the fieldwork on the cases will be as follows:*

1. *Why have these reform processes been undertaken at this historical juncture?* That is: What are the politics behind the initiation of reform and the creation of the new ‘hybrid’ systems? What configuration of structural/external factors, the relative power of new political actors in the liberalized political context of ‘democracy’, and/or popular demand have contributed to the decisions to undertake reform processes in each case?
2. *How has reform proceeded?* That is: What have been the politics shaping the actual processes of reform leading to given outcomes? How have actors within the state bureaucracy who have both favored and opposed these reforms influenced the process? What has been the role of religious groups and the directors/owners of private informal schools, and what powers have they been able to exert to shape these processes? What have been the major points of contention and issues to be settled in undertaking reform (e.g. the structure of the curriculum; the elaboration of textbooks; the content of religious instruction, and more)?
3. *What are the emerging or likely outcomes of these reforms?* That is: What consequences are these reforms producing in terms of concrete results (e.g. literacy rates) and indirect effects (e.g. effectiveness of developmental initiatives) as well as on notions of citizenship and political participation? Can we determine whether reforms have increased the legitimacy of the state in the provision of this particular public good? Do the reforms provide sufficient incentives for behavioral change, as reflected in such indicators as increased school enrollment rates? What are the mechanisms of accountability in terms of the content of the public good being produced (education)?

While there are apparently significant similarities in the reform processes in the three cases, there are also some potentially relevant differences. We thus anticipate that the comparative dimension of these empirical case studies and potential variations in outcomes will help us to better formulate our answers to these questions. Differences and similarities in the economic parameters of these reforms, for example, will need to be carefully considered. This would include such issues as the varying costs to actors in each country of different alternatives and how have they changed in the processes of reform (e.g. school fees, teachers’ salaries, infrastructure investment, and such).

These empirical research questions on the cases, we believe, will lead to a set of larger theoretical questions that are of direct relevance to the APPP project. These would center around the issue of the interaction of changing state institutions in liberalized political contexts (that is in ‘democratizing’ systems) with that of rising social forces in the form of religious movements and institutions.

The interesting questions will concern how variations in these factors are shaping the emergence of new hybridized institutions, and whether these are more adapted to social realities and thus more likely to ‘work with the grain’ in providing public goods in Africa. What are the consequences of the increased capacity to mobilize people for collective action on a ‘moral’ basis in liberalized contexts? Specifically, given the central role of religious organizations in defining a ‘moral order’ and institutionalizing the capacity to pursue it, what impact will religion have on the distribution of power and the development of new

institutional forms for exercising it in Africa? How will this in turn affect state capacity for the provision of public goods?

We anticipate here in addition that these cases will raise some larger questions with both an empirical and normative content. These cases may well reveal that the decision to work ‘with the grain’ in Africa may have significant implications for—and may even compromise at times—some values or priorities that have long been held by key actors and donors. Central in these particular case studies would be questions concerning the secular nature of state, as well as potentially issues related to gender equality and gender relations.

3 Staffing

As a collaborative project between the University of Florida’s CAS and LASDEL, the project will be co-coordinated by Leonardo Villalón (CAS) and Mahaman Tidjani Alou (LASDEL). Villalón has significant research experience on religion and politics in Muslim West Africa, and is currently completing research for a project on religion and democracy in the three case study countries. Tidjani Alou is a specialist on the politics of education who has published widely on this and related issues of provision of public services in the Sahel. Villalón and Tidjani Alou will be closely involved in designing the project and the specific fieldwork methods and procedures, participate in parts of the fieldwork and provide intellectual guidance throughout, and collaborate in the analysis of the results.

Abdourahmane Idrissa, a Nigerien citizen currently completing his Ph.D. in Political Science at the University of Florida under Villalón’s direction, will serve as research team leader. In this capacity, Idrissa will direct the actual fieldwork, as well as collaborate with Villalón and Tidjani Alou on the analysis of the empirical material. Idrissa is perfectly suited to help coordinate the collaborative effort, having been affiliated with LASDEL during his own dissertation research in Niger, which focused on Islamic and Western conceptions of governmentality. Idrissa also has extensive residence and experience in Senegal.

In addition to these three core members of the team, further assistance for fieldwork will be provided by two other LASDEL doctoral student affiliates to be recruited as part of the research team to assist in carrying out the empirical fieldwork. This would ideally include one student with a background in Arabic or Islamic studies, preferably one who attended a Franco-Arabic school.

4 Methods and empirical strategies

This project emerged as potentially of interest to APPP during Villalón’s current work in the region, and Villalón has done initial ‘scoping’ of the parameters and feasibility of the project in a number of initial interviews with relevant actors in each of the three target country. The current proposal is thus to follow up with in-depth and carefully configured comparative empirical case studies of the reform processes. In light of the strategies suggested in the APPP design workshop, the hope is to be able to make causal inferences about both why and how these processes have been undertaken, and to understand both the similarities and differences in their emerging outcomes, so as to formulate more general hypotheses about the provision of public goods in Africa.

Timeline: In order to elaborate the specifics of the fieldwork methodology the team will hold a small workshop for planning and for training of the assistants, at LASDEL in June 2009. This will be followed by the immediate beginning of the Niger portion of the fieldwork, allowing the whole team to be present and thus to refine and revise the methodology and research questions and protocols as necessary.

Following the Niger fieldwork, Idrissa will lead the drafting of an empirical paper on this case study, as well as carry out the background research in preparation for the Mali and Senegal portions of the fieldwork, consulting in particular with Tidjani Alou as necessary. Three weeks of intensive fieldwork will then be carried out in each of Mali and Senegal, tentatively scheduled for October/November 2009 and January 2010, respectively. This fieldwork will be carried out by a team consisting in each case of Idrissa and one of the two other assistants. In addition, Villalón will join the team for part of the Senegal fieldwork. Following the fieldwork, in consultation with Villalón and Tidjani Alou, Idrissa will draft empirical case study papers and begin to analyze the data based on the fieldwork. In May/June 2010 the whole team will again meet in Niamey in a workshop to complete analysis and present the results of the fieldwork. Based on this, Villalón, Tidjani Alou, and Idrissa will work collaboratively at LASDEL to produce the final papers and publications we expect from the project.

Fieldwork protocol: We plan to develop a specific fieldwork protocol during the initial workshop/meeting, to allow parallel and comparable data to be collected in each case. Tentatively, we plan for the fieldwork to include both the collection of relevant documentary sources (laws and decrees implementing reforms, reports on component parts of the process, etc) and—principally—extensive interviewing of key actors in the reform processes. We have at the moment identified the following as major interview targets:

- Government officials in charge of the reform processes, and hence mostly supportive of it: These are typically officials in either the division of Arabic in the Ministries of Education or the division of Religious Affairs in the Ministries of Interior.
- Government actors (e.g. in other units in the Ministries of Education) who are supporters of the historical French secular educational system and who are thus opposed—or at least more skeptical—about these reforms.
- Actors participating in the implementation of specific aspects of reform: This would include in particular members of committees in charge of planning the curriculum for the reformed schools, and members of commissions in charge of such things as writing of new textbooks.
- Social actors and key intellectuals with a stake and interest in the project, including Islamic associations and major Islamic intellectuals, as well as secular civil society organizations involved in citizenship training and education projects
- Directors of Arabic/Islamic schools, both those who have accepted and collaborated in the reforms and those who have rejected them. (We are interested here in the social side of the process: To what extent is ‘the grain’ willing to work with state institutions, and why or why not?)
- External donors interested in education projects (e.g. USAID in Niger, which has just announced a \$5million contract to improve girls’ education in the country).
- Working with one or two specifically identified schools that have progressed significantly on the reform process in each country, we will interview a sample of parents of students, to determine the parents’ motivations and perceptions of the consequences of the reform process. (In-country assistance, notably for translation as necessary, will be recruited for this purpose in Senegal and Mali.)

We hope and anticipate that these comparative case studies will also lead to the development of further comparative research projects exploring the general issues of direct relevance to APPP that we have suggested above. Should there be interest, we would welcome and strongly encourage participation by other APPP consortium partners in the final workshop presenting the fieldwork results, so as to collaboratively develop follow-up projects.