

EDITORIAL (English)

States and Governance in Africa

One of the most intractable research questions that have been receiving much attention from African scholars and policy analysts for over the past three decades is the question of the State and governance in Africa. Reflections have taken place and will definitely continue to be held on these important issues although they are unlikely to lead to definitive findings or provide right and final answers to the numerous questions that were raised.

A great deal has been said and written about the state in Africa: “imported State”, “colonial or neo-colonial State”, “state in crisis”, “weak state”, “fragile state”, “authoritarian State”, “criminal State”, “predatory State”, “underdeveloped State”, “disintegrated or disintegrating State”, “patrimonial State”, “shadow State”, “non-State”, “atrophied State”, “collapsed State”, “State without citizens”.... Be it as it may, this State persists and will continue to exist for many years to come despite change that can affect its form and governance. One of the reasons for the survival of the State is that earlier findings on State collapse and the “retreat of the state” were followed by demands to “bring the state back in”. The state is part of the problems and the solutions of African problems if it cannot be considered the problem and the solution at the same time.

Governance in Africa was subjected to the same inquiry. Governance can be good or bad, democratic or authoritarian, national or local, political, economic or social. For many decades, Africa has been regarded as an epitome of bad governance. The discourse on governance that was inspired by international financial institutions after the failure of the structural adjustment programmes focussed on governance and then on good governance prior to the critics imposing the concept of “democratic governance” which was fundamentally a political governance but had an impact on other forms of governance, whether national or local. African institutions like the Council for the Development of Social Science Research in Africa (CODESRIA) contributed to this paradigmatic shift.

All the papers in these two first combined issues of this second volume of the African Journal of Democracy and Governance (AJDG), which has entered its second year of existence, continue the reflection on the state and governance in Africa in line with the mandate of the Institute of Democracy, Governance, Peace and Development in Africa (IDGPA) that publishes the journal.

Georges Nzongola-Ntalaja reflects on the fragile State and the crisis in the Eastern part of the Democratic Republic of Congo (DRC), which is generally presented as a paradigmatic case of State failure in Africa. This crisis can be traced back to the “Independent State of the Congo” that was established after the 1885 Berlin Conference. The Independent State of the Congo was not a State. Nor was it independent even an independent entity.

It was rather a personal domain of Leopold II, the King of the Belgians, and a vast territory on which all the atrocities could be committed in the exploitation of its immense resources.

Nzongola-Ntalaja takes us back to the origins of the Congolese state to explain its fragility and the on-going crisis in eastern part. He is particularly interested in its causes which are not only external, but also internal.

Willy Makiashi is more preoccupied with the domestic causes in his article on African state and state reconstruction in Africa, especially in the DRC. He revisits the concept of statehood and adds a new component without which a state cannot be said to exist. This is law, particularly the constitution. He argues that this state should be reconstructed through the establishment and consolidation of a democratic rule of law, a state where the government and the people are all subject to the law. Without the rule of law which should be a democratic one, renaissance in Africa and the DRC is unlikely.

There is compelling evidence that democracy was known in African traditions. It would be an affront to the African people to suggest that they are incapable of applying the democratic principles. Democracy is part and parcel of the cultural legacy of humanity and no people can claim its monopoly. Democracy is a people's right. The obligation to democratise is generally derived from domestic law. **Christian Tshiamala Banungana** revisits several international human rights instruments and concludes that there is also an obligation to democratise in international law that is binding on all modern states, including African states/

However, there are challenges other than political and legal to the democratisation process. **Kwame Asah – Asante** reflects on the implications of the Ebola disease for the democratisation process in Sierra Leone. His analysis demonstrates how fighting the disease through exceptional measures taken by the government can result in the limitation of human and peoples' rights and in the reinforcement of governmental powers.

Some articles relate to other forms of governance such as corporate, local and economic and governance, which are linked to political governance. In an article that deals with corporate governance in the banking sector, **Emile Muadimanga Ilunga** inquires into the linkage between interest rates applied by the commercial banks and the regulatory rates of the central bank in the DRC. According to him, the central bank should continue to play its regulatory and supervisory role of the economy by contributing to the stabilisation of the prices and the reduction of inflation while promoting the activities of the commercial banks, which are also keys actors in the process of economic development.

Discussions of governance in Africa have tended to concentrate on political, economic, and corporate governance on the national level. Very few scholars or political analysts like **Grégoire Ngalumulume Tshiebwe** have addressed the significance of local governance for democracy and development. His article deals with decentralisation in the agricultural sector, rural development and local governance.

As for **Timothée Bahellaby**, he is interested in commercial relations between African States and developed countries. He reflects on the exclusion of the DRC from the benefit of the *African Growth and Opportunity Act* (AGOA) which grants fiscal exemptions to some products exported to the US by Sub-Saharan African countries. Despite the opportunities that it offers, AGOA remains an instrument of neo-liberalism in the service of American hegemony. AGOA also impact on African integration. In his article on French engagements in Africa, especially in Francophone Africa, **Adeniyi Basiru** insists on the negative role that foreign interventions can play on African integration and regionalism.

Finally, state reconstruction and governance in Africa also requires end to the impunity of the persons responsible for some of the most serious international crimes such as genocide, war crimes, and crimes against humanity. Responding to Georges Nzongola-Ntalaja on State fragility and crisis in Eastern Congo, **Kennedy Kihangi Bindu** revives the idea of the creation of an international tribunal to prosecute and judge the perpetrators of international crimes committed in the DRC.

On the other hand, President Omar al-Bashir of Sudan attended a summit of the African Union held in June 2015. Indicted for war crimes and genocide committed in the Sudanese province of Darfur, al-Bashir freely returned to his country despite the existence of two warrants of arrest issued by the International Criminal (ICC) against him and a decision of a South African court ordering the government of President Jacob Zuma to arrest him. The world expected better from the government of a country which is generally presented as a model of the rule of law and democratic governance on the continent. **André Mbata Mangu** examines the al-bashir case and what he qualifies as “backpedalling” on the rule of law of the government in post-Mandela South Africa.

The languages used (English - French), the issues discussed (all relating to the state and governance in Africa), the geographical location and institutional affiliations of the authors (RDC, South Africa, Ghana, and Nigeria) confirm the orientation of AJDG as an African, bilingual, and multidisciplinary social science journal.

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I wish to express my thanks to the authors who contributed to this issue. I also extend my thanks to our colleagues Mbaya Kankwenda (Canada), François Kabuya Kalala, Claude Sumata (RDC), Korwa Adar (Kenya), Oculi Okello (Nigeria), Junior Kabange (USA), Jean-Pierre Mbelu Babanya (Belgium), Pascal Kambale (Senegal) for their time to independently and blindly review the manuscripts. I thank all other reviewers and owe a debt of gratitude to the members of the editorial committee for their contribution to the journal.

André Mbata Mangu
Editor-in-chief