



# African Journal of Political Science and International Relations

Volume 9 Number 2 February 2015

ISSN 1996-0832



*Academic  
Journals*

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Review

# Evaluating the social contract theoretical ideas of Jean Jacques Rousseau: An analytical perspective on the state and relevance to contemporary society

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Received 6 May, 2013; Accepted 14 January, 2015

This paper evaluates the social contract theory from the view point of Jean Jacques Rousseau and applies the relevance to contemporary society. It is found that the social contract theorists traced the origin of the state to a social contract by individuals after an experience from the state of nature. Rousseau's state of nature initially guaranteed freedom and good life for the individuals until the institution of private property ushered injustices that called for an organized or civil society mainly to protect lives and property. He considered property as the root cause of moral corruption and injustice which made the individual to loose his freedom. Rousseau argues that property had to be controlled by the General Will which was the universal law that regained man's freedom and liberty in the civil society. Incidentally, Rousseau's ideas have been found relevant such that this paper recommends for its application to governance or administration of modern states. There should be willingness of the leaders, who are involved in this kind of contract with citizens, to ensure adequate provision of the basic needs and security for the citizens.

**Key words:** The State, social contract, theory, Jean Jacques Rousseau.

## INTRODUCTION

The main concern of political thinkers, from the period of Plato to Marx, has principally remained the state, its evolution, organization and purpose. As argued by Appadorai (1974:19), some of the first issues raised by political theorists are the questions of: What is the origin of the state? Have men always lived under some form of political organizations? Appadorai further maintains that political scholars have never agreed on the answers to these fundamental issues, with the result that there are various theories concerning the beginning of the state

such as the social contract theory, the divine right theory, the force theory, the evolutionary theory, and so on.

This write-up attempts, analytically, to evaluate the social contract theory from the view point of Jean Jacques Rousseau. It must be noted at the onset that even the social contract theorists have not agreed on how the state came to be from their different analysis of life in the state of nature. They, however, commonly agreed that it was a social contract based on an experience from the state of nature. For instance, Thomas Hobbes viewed the

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contract as being between the people and the constituted authority while Locke says such a contract is “of all with all” but not a contract with government. Rousseau supported Locke in this way and emphasized that the contract is designed to provide “collective security”. Life in the state of nature, to Hobbes, is a general disposition to war “of every man against every man”, leading to perpetual fear and strife which consequently makes Hobbesian state of nature to be “solitary, poor, nasty, brutish and short. Locke’s ideas of the state of nature is moral and social in character. In it, men have rights and acknowledge duties, just that life in the state of nature, for Locke, is not satisfactory as peace is constantly upset by the corruption and viciousness of degenerate men which Locke stated plagues the ‘state of nature’ by lack of an established settled down law, lack of known and indifferent judge as well as the lack of an executive power to enforce just decisions. These, Locke argues, necessitated the formation of a civil society (the state) devoid of the evils, hence, the social contract. In this paper, analysis of Rousseau’s ‘state of nature’ and his ideas of the social contract are predominantly x-rayed. The next parts turn to look at the conceptual framework of the state, the historical antecedence and social contract ideas of Jean Jacques Rousseau (including his peculiar ‘state of nature’), and relevance of his ideas to contemporary society: critiques, conclusion and recommendations.

## THE STATE: TOWARDS A CONCEPTUALIZATION

Scholars from the two major ideological strands of Marxism and liberalism have not commonly agreed on their perceptions of the concept of the state. Even within each of these conceptions, different authors perceive the state not exactly as others (Shaapera, 2012). Liberal theorizing on the concept of the state contends that the state is a political organization of human society that comprises organized attributes of contemporary institutions, like the legislature, executive and judiciary, with their respective roles of making and enforcing laws that are binding on the people within a defined geographical territory. It is the state, therefore, that provides the structures through which people and resources are organized and policy and priorities established. More so, the state is an institution for orderly progress of the society and an embodiment of justice for all (George-Genyi, 2005).

However, Marx and Engels, in the Communist Manifesto, argued that the state is “a committee for managing the affairs of the whole bourgeoisie” (Marx and Engels, 1975). This means that the state merely reflects the interests of the economically powerful class in the society. It is, thus, an instrument of class domination. Nonetheless, the Marxists equally agree that the state, sometimes, enjoys relative autonomy to provide for the needs of the people.

## ROUSSEAU’S HISTORICAL BACKGROUND (1712-1778)

Jean Jacques Rousseau was born in the city of Geneva to a poor and unstable craftsman on June 28, 1712 (Enemuo, 1999:75; Mukherjee and Ramaswamy, 1999: 215). During his life time, Rousseau accomplished many things, including mastery in writing on music, politics, and education. He really became famous because of his writings. Rousseau’s father was a watchmaker and his mother died within a month of his birth which actually disintegrated the family; his parents were Christians of the protestant’s denomination; but Rousseau got converted to Catholicism under the influence of a lady called Madame de Warens, whom he subsequently became the lover. Rousseau “led the life of a vagabond and only after many years did he begin to educate himself” (Mukherjee and Ramaswamy, 1999). It has been noted therefore, that, at the age of 30, Rousseau went to Paris and started befriending another lady by name “Diderot”. From 1743 to 1744, Rousseau became the secretary to the French Ambassador in Venice where he again, developed an intimate relationship with one lady called Therese le Vasseur in 1745, who subsequently became the mother of his five children. All his children, writers have stated, were abandoned in an orphanage.

Jean Jacques Rousseau attained fame with his prize-winning essay, “*The Discourse on the Science and Arts*” in which he rejected progress based on the arts and science; that they did not elevate the moral standards of human beings. Also, in *the Discourse*, Rousseau traced the rise of inequality and the consequent fall of the human individuals. He had many other write-ups in addition to the *Discourse*. The “*Social Contract*” on which we are about to examine in this paper was also one of Rousseau’s major works. Rousseau was persecuted for religious reasons where his social contract and other works were burnt both in Paris and Geneva. He died in 1778.

## ROUSSEAU’S POLITICAL IDEAS OF THE STATE OF NATURE

Jean Jacques Rousseau’s notion of the state of nature, according to Enemuo (1999:73-74), is not as gloomy as that of Hobbes, nor as optimistic as that of Locke. To Rousseau, men are not quarrelsome in the state of nature, nor have they the desire to dominate one another. Instead, they are solitary (like in Hobbes’), unreflecting, easily satisfied and without variety and opinion of selves. However, a time comes when men can no longer live isolated, so, initially, they came together occasionally to cooperate and unite their efforts to satisfy common wants. Later on, families are formed and subsequently, several families congregate to form society. At the inception of this society, there is no inequality, but when the institution of private property evolves, a group of



people resorts to plundering the others. Violence and insecurity followed and hence a suggestion that power be established to govern men and protect them from each other and from common enemies. This, men themselves subsequently entered into a social contract designed to provide “collective security” in the state. Therefore, the social contract theorists, in this case, Rousseau, saw the origin of state as a social contract among individuals in a state for purposes of enhancing collective security (Shaapera, 2008).

### **THE SOCIAL CONTRACT OF JEAN JACQUES ROUSSEAU**

Rousseau’s social contract theory, as submitted by Enemu (1999:74), Appadorai (1974:27), and Mukherjee and Ramaswamy (1999), is a notion that the state is the result of a contract entered into by men who originally lived in a state of nature; that there was only one contract, the social pact to which government was not a party. Individuals surrendered all their rights to the community and therefore, after making the contract may have only such rights as are allowed to them by what Rousseau calls the General Will (Law). Sovereignty, which belongs to the community of such individuals, is absolute, not the government that is absolute. And that every individual is a sovereign-being that makes up the whole sovereign community. This means that the individuals still have freedom from depending on any other body rather than themselves in a contract so entered into by them in a society. The government so formed by individuals after this social contract is very much dependent on the people. As such, people only appointed from their equals some trustees who would ensure the execution of the objectives of the General Will (the common Law) for collective security in the overall interest of the community. The contract is of the society, not of government, every one is a ruler of himself. Rousseau argues, however, that it may be impossible for men to believe to govern themselves and so there arises the need to form a body that will execute the social contract, this body so formed (the government) is not party to the social contract, and the society can hold such a body (the government) responsible for failure in executing the agreements of the social contract to which it (the government) is not a party. Specifically, therefore, the major political ideas of Jean Jacques Rousseau can better be explained under his analysis of sovereignty, Freedom and independence of life, Inequality, institution of private property, the civil society, the General Will and individual freedom.

### **ROUSSEAU’S IDEAS OF SOVEREIGNTY, FREEDOM AND INDEPENDENCE OF LIFE**

According to Rousseau, sovereignty belongs to the

people who constitute the community and the universal conformity to the General Will is what guarantees each individual’s freedom from dependence on any other person or body of persons (like the government). Interestingly, therefore, the individual remains as free as he was before in the state of nature. It should be recalled that, Rousseau’s state of nature, unlike Hobbes’, ensured good life initially for individuals. Naturally, individuals in this state of nature were free from hitches and artificial problems; there was human equality until men began to reason, creating for themselves the institution of private property which brought inequality in the state of nature that snatched their freedom (Verma, 1975). Some men threatened the existence of others and this called for an organized and regulatory society known as the state. Accordingly, with absolute sovereignty in such an organized society (the state) belonging to the community, of which every man is made a sovereign being, man gains his freedom and independence of life. “The popular sovereignty”, to Rousseau, is indivisible and inalienable because, the people cannot transfer their ultimate right to self-government of deciding their own destiny to any group or persons. Each individual is obliged to will and cultivate the general good (Anifowose and Enemu, 1999:74).

### **ROUSSEAU’S IDEA OF INEQUALITY**

Jean Jacques Rousseau explained inequality by demonstrating how humans who were naturally healthy, good and roughly equal to one another, became sickly evil, intelligent and highly unequal when they mixed in society. As argued by Mukherjee and Ramaswamy (1999:219), “the greatest horror of modern society was the fact that it was a highly unequal one. The human being was capable of being perfect, which enabled him to come out of the state of nature, but in the process, he created an imbalance between needs and the ability to satisfy them through civilization”. Civilization had, therefore, multiplied the desire for needs and the inability to fulfill these needs made human beings in the civil society unhappy and highly unequal (Gaub, 2003). To Rousseau, thus, civilization “was corrupting and wrong”. It reflected artificial inequalities in the society.

### **ROUSSEAU’S ADVOCACY FOR SOCIAL EQUALITY**

Rousseau was an advocate of approximate social equality but not total equality. He was willing to permit two sorts of inequality: (1) Natural inequality: which he explained equality between the young and the old, the weak and the strong, the wise and stupid, the tall and short, etc, and (2) Reward inequality: which was the inequality that resulted from rewarding those who rendered special service to the community. Natural inequalities and



Reward inequalities were the only types of inequalities that Rousseau permitted. He maintained that existing social inequalities did not belong to these permitted types. The social equality which Rousseau advocates for implied equality of opportunities. He repudiated differences in ability as the sole justification for social inequalities. Instead, Rousseau pointed out how human beings climbed over one another to get to the top. Thus, the rich and the powerful were vastly wealthier not because they were infinitely more gifted and talented but really because of the unscrupulous business practices that they and their ancestors had employed. They had always exploited other people to achieve their peculiar social (rich) status. This type of social inequality, Rousseau disqualifies and advocates for social equality, being equality of opportunities in a society.

### **ROUSSEAU'S IDEA ON INSTITUTION OF PRIVATE PROPERTY**

Life in the state of nature, for Rousseau, was better than in the civil society because the institutionalization of property rights puts an end to the self-sufficiency that existed in the state of nature. This brings misery to the majority of the civil society while the same benefits a few. This implies that the formation of a civil society, the social contract in which people entered, was for adequate protection of the property and selfish interests of a few people but not intended to really preserve life and general security. He therefore recognized how property could become an instrument of private domination, the root cause of moral corruption and injustice. Property, thus, had to be controlled in the civil society by the General Will.

### **JEAN JACQUES ROUSSEAU AND THE CIVIL SOCIETY**

In the civil society, Rousseau rejected the enlightenment's belief in human progress of reason through science and technology. For him, technology and civilization did not bring about moral improvement since continued decadence measured in terms of human unhappiness is the fate of most contemporary societies.

### **ROUSSEAU'S IDEA ON THE GENERAL WILL AND INDIVIDUAL FREEDOM:**

In Rousseau's social contract, society and the individual were complemented. The right society controlled by the "General Will" would transform the individual to a humane person immortalized and free from unnecessary domination or dependence. According to him, "man is born free but is every where in chains". So, there is every need for an

organized society that would aim for the general rather than the particular interests of its members. The freedom that the individual enjoyed in the state of nature would be possible under the right kind of society governed by the "General Will". This General Will would be the source of all laws while the human being would be truly free if he follows the dictates of the Law. Civil liberty, for Rousseau, meant freedom from the assault of others; freedom from following the arbitrary will of another person and obedience to one's notion of liberty. Rousseau submitted therefore, that:

If one had to be free then one had to obey one's own will which meant that one's will and the laws of the state would have to be in harmony. Each individual would have to be a law maker, consenting to obey a law if it maximized freedom (Mukherjee and Ramaswamy, 1999: 225). It was for this reason that Rousseau desired that the Free State would be a consensual and participatory Democracy. That the 'General Will' could emerge only in an assembly of equal lawmakers, and this General Will could not be alienated. He explained that the "Executive Will" could not be the "General Will", thus, making the Legislature to be supreme.

### **THE ROLE OF THE LEGISLATURE IN ROUSSEAU'S POLITICAL IDEAS**

Rousseau saw the Government as an agent of the General Will (Law) which was the sovereign entity in the body polity. He believed that one important reason, among others, for the success of any republic is the role of the Legislature. That, in the ancient republics, the legislature created persons capable of constituting the General Will. That the legislature proposed laws with the support of the people, therefore, the role of the legislature would be to transform individuals and change human nature, alter the constitution with the purpose of strengthening it for the general good of the whole community.

### **EVALUATING THE RELEVANCE OF ROUSSEAU'S IDEAS TO CONTEMPORARY SOCIETY**

The social contract theory of Jean Jacques Rousseau is important in modern day society in a number of ways. First, it supplies the basis of the theory of popular sovereignty. Sovereignty in an organized society is purely vested with the people. As such, leaders or rulers of all kinds are supposed to be representatives of the interest and the General Will of the people. The people can not afford to share this sovereignty with any other body and hence sovereignty is indivisible, and it cannot be located outside the people hence it is equally inalienable.

Secondly, Rousseau's theory serves and unfolds the basis for democracy and the justification of revolutions

against arbitrary rule (Appadorai, 1974:28). For instance, it inspired the French Revolution of 1789 which was a revolt against the despotic French Monarch (Appadorai, 1974: 26). Buttressing this very relevance of Rousseau's theory (justification of Revolutions against arbitrary rule), Appadorai further argues that the revolutionary doctrine rests on two or three simple principles: That men are by nature free and equal. That the rights of government must be based on some compact freely entered into by these equal and independent individuals, and that the nature of the compact is such that the individual becomes part of the sovereign people, which has the inalienable right of determining its own constitution and legislation. So, when such rights are deprived the individuals (through arbitrary rule), the ground for revolution exists. More so, Rousseau's idea that the sovereign community was logically the only law maker, has had the indirect effect of stimulating direct Legislation by the people through present day Referendum and the initiative (Appadorai, 1974:28).

It should also be understood that Rousseau's analysis of the institution of private property educates, in no small measure, on the origin and root cause of moral corruption and injustice that bedevil modern societies of the world. Finally, Rousseau's ideas of individuals' liberty and freedom in a society are pointer to a call for total rejection of military dictatorship in modern states with its attendant suspension of the constitution and deny of human rights and freedom. Africa's case is relevant in this wise. Nevertheless, it must be remarked, at this juncture, that Rousseau's political analysis are inadequate in some ways, and this turns the attention of this write up to the critiques of his political ideas despite the relevance therein.

### CRITIQUES OF ROUSSEAU'S POLITICAL IDEAS

Rousseau was scarcely aware of the fact that the unrestricted power of the General Will might result in absolutism in a community. "Power", it is said, "corrupts; and absolute power corrupts absolutely". Secondly, critics have pointed out that "to argue that the general will is always the disinterested will of the community for the common good, and therefore, always right, is to give a phrase where we ask for solution" (see Appadorai, 1974: 28-29). There is no guarantee that the will of the community will always turn out to be for the common good. The line between the 'General Will' so defined and the 'will of all' is not easy to draw. Man, by nature, is a selfish being; he can always think of his personal interest first before the general one.

More so, Rousseau's social contract theory, like his fellow contract theorists (Hobbes and Locke), has been criticized of being ahistorical. The theory does not take into cognizance the history and chronology of events in human lives. Suffice it to say that history does not tell

us when such a (social) contract took place in human existence and his (Rousseau's) analysis of the state of nature (like Hobbes and Locke) is too idealistic, utopia and hence unrealizable. Appadorai (1974: 29) confirms the foregoing assertions as he argues that:

From the historical point of view, the contract theory of the origin of political authority is untenable, not only because historical records are wanting as to those early times when, if at all, such compacts must have been made, but also because what historical evidence there is, from which by inference, primitive conditions may be imagined, is such as to show its impossibility.

Rousseau's theory has also been criticized of being illogical, by presupposing such political consciousness in a people who are merely living in a state of nature as (the consciousness) could be possible in individuals who are already within an organized state. Consequently, the theory is practically dangerous, being favorable to anarchy, because there can be no sufficient authority when the general will is contradicted by individuals' selfish will. This, Appadorai (1974) puts more clearer that "the state and its institutions are regarded as the result of the individual will, and therefore, it may be argued, they can have no sufficient authority when they contradict this individual will". This is, thus, capable of causing anarchy (a situation of lawlessness). However, with all its defects, Rousseau's social contract theory remains relevant, as earlier mentioned. It is still the originator of those purposes which the state can serve and which alone can justify the state's existence.

### CONCLUSION AND POLICY RECOMMENDATIONS

Jean Jacques Rousseau's social contract theory traced the origin of the state to a social contract by individuals after an experience from the state of nature. His state of nature initially guaranteed freedom and good life for the inhabitants until the institution of private property ushered injustices that called for an organized or civil society mainly to protect lives and property. He considered property as being the root cause of moral corruption and injustice which consequently made the individual to lose his freedom. However, Rousseau argued that property had to be controlled by the General Will which was the universal law that regained man's freedom and liberty in the civil society. Liberty and individual sovereignty, for Rousseau, was the greatest good; and they were only possible when dependence between human beings were eliminated, if not at least, regulated by law (the General Will). He understood liberty as participation and popular sovereignty. To him, both the individual and the state were simultaneously sovereign. Both were needed to realize a just social and political order. Rousseau's social contract theory, therefore, projected the body polity as a moral being which would preserve the welfare of the

whole as well as its constituent parts. It (the body polity or the community) was the source of all laws and determined the relationships among its members. It would be an end itself and also a means to an end.

Consequently, Jean Jacques Rousseau's theory of the social contract became relevant in modern day society in a variety of ways. It supplies the basis of location of sovereignty in a social setting as the theory of popular sovereignty; it also serves the basis for democracy and the justification for revolutions against arbitrary rule; it gives impetus for the present day referendum and direct legislation by the people. His analysis on the institution of private property educates much on the root cause of the injustices and corruption that bedevil our contemporary society.

None the less, his political submissions were equally inadequate in that he was scarcely aware of the fact the unrestricted power of the General Will might result to absolutism. Therefore, to argue that the General will is always the overall will of the community, devoid of selfish individual interests of members, and is always right, is to forget the fact also that there is no guarantee for the will of the community to always turn out to be for the common good. This is because individuals' egoistic interests are inextricably perceived inherent in all human interactions. Man, by nature, is a selfish being. The theory's emphasis on the state as a result of the social contract makes it a historical-without evidence of records in history when such a contract and the state of nature existed. Some critics argued that his submissions are, therefore, illogical and practically dangerous, being favourable to anarchy. Despite these defects, Rousseau's theory still remains relevant. It is still the originator of those purposes which the state can serve and which alone can justify the state's existence. The following recommendations are considered expedient to make both Rousseau's ideas more effective and a more proper organization of contemporary societies.

**Popular Participation:** To ensure popular sovereignty, citizens of our contemporary societies be allowed the maximum freedom to participate in the governance of the affairs of their localities. This could rather be possible through representative democracy in modern day societies, due to the complexities of the contemporary world. Suffice it to say that modern governments, learning from Rousseau's ideas, should always be ready to respect and respond to popular views and interests for a free and participatory society, governed by law.

**The Rule of Law:** It is equally important to recommend that the "law", rather than people, should rule modern governments, given the relevance of the General Will (Law) in Rousseau's ideas. Our leaders' actions should be governed by law rather than by their selfish attachments or affiliations. The said law of the land must,

therefore, be made to reflect human face and its adjudication must not be selective nor delayed.

Above all, that the state is a social contract calls for the readiness and willingness of the leaders, who are involved in this kind of contract with citizens, to ensure adequate provision of their basic needs in life. This should be the priority of leadership or governance rather than always being busily involved in mere politicking, with the resources meant for use by the people being wasted and diverted to leaders' private businesses. Good, durable or quality roads, reliable electricity supply, health care services, employment opportunities, good salary structures for the labour force, qualitative education for citizens, among others, should be the priorities of leadership in service of humanity in our contemporary societies. These, among others, it is optimistic, would ensure a strong, reliable, free, equal, developed, income-comparable and an organized modern society governed by Law.

### Conflict of Interests

The author has not declared any conflict of interests.

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Review

## Cultural theory elaborations without predictive utility

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Received 6 December, 2012; Accepted 20 January, 2015

There is no single work that has stirred the debate about cultural theory in social science than Aaron Wildavsky's "Choosing Preferences by Constructing Institutions: A Cultural Theory of Preference Formation". Anthropologists' use of culture as an explanatory tool is quite acceptable because they (anthropologists) usually seek to describe what has been observed by using history, artifacts, language, lineage, etc. to link the past to the present. Explanations based on anthropological descriptions do not demand the rigorous proof required to establish causality in social science. They are largely informed assumptions based on one or several of the anthropological tools mentioned above. This paper examines Wildavsky's work on cultural theory to show the inadequacies in the use of the theory to establish causality and predictability in social science. The paper concludes that when social scientists attempt to use culture to establish causality, we lose the scientific boundary that sharpens our focus and orders the scope of the inquiry, and also eliminates the standard of rigor established in the field.

**Key words:** Culture, theory, elaborations, predictive preferences, endogenous, exogenous, inferences, constructing, utility.

### INTRODUCTION

Many have tried to use culture as explanation for varied human actions, especially when nothing else would properly explain such actions. Anthropologists' use of culture as an explanatory tool is quite acceptable because anthropologists usually seek to describe what has been observed by using history, artifacts, language, lineage, etc., to link the past to the present. Sometimes some of these anthropological tools can explain why certain practices began, their purpose, and how they affect the present.

Lately, it has become fashionable for some social scientists to use anthropological explanations as

predictive tools in their quest to establish causation. Explanations based on anthropological description do not demand the rigorous proof required to establish causation in social science. They are largely informed assumptions based on one or several of the anthropological tools mentioned above. For example, Van Gunsteren submits: "One important way is to develop a kind of policy analysis that pays attention to cultural differences more than current practices, which frequently violates even existing precepts to take culture into account. This is by no means easy, for it takes some counter-intuitive assumption to see that the proposal

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makes sense" (Van, 2002). One cannot still determine whether the preceding statement makes sense or not because one cannot determine what "counter-intuitive" assumptions are. Intuitive assumptions must by nature be subjective. Hence, one cannot imagine what "counter-intuitive" means. A concept that cannot be defined or operationalized for clarity must not be used in an academic paper because it disallows others from using it. Using Van Gunsteren's statement as a point of departure, Robert Hoppe asserts, "taking cultural difference seriously and making it an ally instead of an enemy is the only sensible response for a policy analysis profession in tune with its times" (Hoppe, 2007).

While one cannot entirely be sure of the precise meaning of Hoppe's assertions, indulging him clarifies what he means. He asserts, "In research, culture is operationalized as the aggregate of individual attitudes, where individuals are seen as single units of analysis, free from social contexts" (Hoppe, 2007).

While operationalization of a concept allows the researcher to define that concept in a narrow scope tailored for the discussion in question, it does not allow for a complete departure of the accepted and established meaning of that concept. Operationalization must of necessity fall within the traditional meaning of the concept, but may be tailored for the purpose of a particular discussion. When operationalization completely departs from traditional and accepted meanings, we run the risks of reinterpreting concepts to fit any meaning we want, and thereby destroying the very concept of operationalization. For example, Hoppe's operationalization of culture as "the aggregate of individual attitudes, where individuals are seen as single units of analysis, free from social contexts" is contrary to the accepted and traditional meaning of culture. Culture is an attribute of groups, not an individual. An isolated individual free from social contexts may be said to have attitudes and preferences, but the congruence aggregate of individual attitudes and preferences are partly defined by culture. Therefore, one cannot talk about culture without the group. Culture is the stuff of society. An individual free from social context cannot be said to have culture. Hoppe's statement here is in line with Wildavsky's question of what causes preference formation, which he attributes to culture.

When social scientists attempt to use culture to establish causation, we lose the scientific boundary that sharpens our focus and orders the scope of the inquiry, and also eliminates the standard of rigor established in social science. Since culture explains all human actions, it can only be used as a tool for approximations and generalizations not precision and predictions.

There is no single work that has stirred the debate about cultural theory in social science more than Aaron Wildavsky's "Choosing Preferences by Constructing Institutions: A Cultural Theory of Preference Formation." Though pioneered by Mary Douglas (1992) in anthropology, cultural theory gained credence in social science largely

due to Wildavsky's work. As such, this paper analyzes some of his claims by looking at the core arguments he makes in presenting his theory. The paper does this by quoting some of his assertions and subjecting them to common sense scrutiny.<sup>1</sup>

### AARON WILDAVSKY'S "CHOOSING PREFERENCES BY CONSTRUCTING INSTITUTIONS..."

The title "Choosing Preferences by Constructing Institutions" (p.3) is the first problem. One cannot choose preferences; one has a preference or one chooses, but not both; this is tautological.

The amorphous nature of culture as a concept does not lend itself as a tool for social science inquiry. This is precisely why social scientists in the past have stayed away from culture as a tool for analysis. According to Huntington (1987:23).

*the concept of culture is a tricky one in social science because it is both easy and unsatisfying to use. It is easy (and also dangerous) to use because it is in some sense, a residual category. ...Cultural explanations are thus often imprecise or tautological or both, at the extreme coming down to a more sophisticated rendering of "the French are like that!" On the other hand, cultural explanations are also unsatisfying for a social scientist because they run counter to the social scientist's proclivity to generalize. They do not explain consequences in terms of relationships among universal variables...They tend, instead to speak in particulars peculiar to specific cultural entities (p. 23).*

With Huntington's explanation of culture in mind, let us continue with Wildavsky's work. According to Wildavsky, preferences come from the most ubiquitous human activity: living with other people. Support for and opposition to different ways of life, the shared values legitimating social relations (here called cultures) are the generators of diverse preferences (Wildavsky, 1987:3). In short, culture is the generator of diverse preferences. But what is culture?

The Webster Dictionary definition of culture is: *the total pattern of human behavior and its products embodied in thought, speech action and artifacts and dependent upon man's capacity for learning and transmitting knowledge to succeeding generations through the use of tools, language and systems of abstract thought.*

By the definition above, the use of culture to explain human action is not helpful in determining specifically why that action was taken instead of others. According to the UNESCO Declaration of 2001, culture "*should be regarded as the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value*

<sup>1</sup> All citations of Wildavsky are from "Choosing Preferences by Constructing Institutions: A Cultural Theory of Preference Formation," in "American Political Science Review," Vol. 81 No. 1, March 1987.

*systems, traditions and beliefs.*" What constitutes culture then is the amalgamation of social practices, beliefs, and traditions that shape the outlook of the person. Since culture encompasses all human actions, including what Wildavsky calls preference formation, for which we prefer the simpler word, "choice," its use to explain human actions on the surface seems sound; but on close scrutiny, becomes tautological: a particular action was taken because of culture or is it the culture that made him take the action?<sup>2</sup>

We have already encountered a fundamental conflict in our discussion of cultural theory just by what Huntington and Wildavsky say. The two assertions are almost in opposition to each other. By the end of this discourse, we should either agree with Huntington or Wildavsky, but not both.

Any tool used to explain causation is the independent variable in that analysis. The results of causation, whether we call it effect, preference formation, choice, or human action, become the dependent variable. Since culture is all encompassing - language, thought, speech, artifacts, tools etc., which aspects of it is at work at a given time when a choice has to be made? Common sense dictates that combinations of these components are at work, but which ones? Since it is impossible to determine which components are at work, social scientists attempt to isolate some of these components in a given situation in order to narrow the scope of possibilities and thereby get a small handle on the underlying component of culture which is at work in that particular situation. This may be in terms of psychology, immediate self-gratification, gender, religion, etc. Even in this narrow scope, the explanation of the action should always be qualified by other unknown factors. Since culture can explain everything in a given society, it explains nothing. That is not to say that cultural explanations are useless. Indeed, culture can be used to predict certain broad generalizations when dealing with ethnic groups, nations, or in some cases geographic regions. However, the use of culture as a tool of analysis for intra-cultural action becomes so broad and amorphous that it cannot be used to establish causality and therefore loses its predictive potential.

According to Wildavsky, since the choice made in a given situation can be explained by culture, "choice" is equivalent to the "effect" and "culture" is equivalent to "cause" in a causation analysis. One can clearly see that the cause and the effect are both shaped by culture. The dependent variable is directly shaped by the independent variable, which under normal circumstance would show causation. But when we consider that all human actions are shaped by culture, then using culture and choice as cause and effect is like using culture and the result of culture as cause and effect. But the result of culture is

shaped by culture! Obviously, this is not very helpful.

Culture as an explanatory tool becomes important when dealing with national, ethnic, or regional comparisons. Here, there can exist a clear and consistent trait that is peculiar to one group and not others. This possibility is what allows us to describe a "cultural area" in geography, for example. In everyday usage, cultural area is defined as "a contiguous geographic area comprising a number of societies that possess the same or similar traits or that share a dominant cultural orientation" (Webster Dictionary). Another way of looking at the problematic nature of culture as an explanatory tool is to consider the word "trait." Since one's traits are defined by one's culture, to say "cultural trait," is tautological. In fact "cultural trait" means trait. We can see clearly that the dependent variable is the same, or part of the independent variable.

### **PREFERENCES ARE ENDOGENOUS, NOT EXOGENOUS**

According to Wildavsky (1987:5):

*Cultural theory is based on the premise that preferences are endogenous - internal to organizations-so that they emerge from social interaction in defending or opposing different ways of life....When choices are not completely controlled by conditions (cultural theory holds), people discover their preferences by evaluating how their past choices have strengthened or weakened...their way of life. Put plainly, people decide for or against existing authority. They construct their culture in the process of decision making. Their continuing reinforcement, modification, and rejection of existing power relationships teaches them what to prefer (Wildavsky, 1987:5).*

Analysis of Wildavsky's assertions above will show the general weakness of cultural theory. The assertions above do not explain any further for social scientists or the man on the street what culture theory is; it is simply a restatement of the definition of culture in everyday usage. By the definition of culture and by its dynamics, though culture evolves through people, people do not construct culture; culture constructs people! That is why Robinson Crusoe cannot be said to have had a culture on the island. One person's proclivities are called habits, personality, or character, not culture. Culture is an amalgamation of many different social forces, experiences, and heritage passed on from generation to generation in a given group. The thought processes at work during decision making is the manifestation of one's cultural mold, together with other factors such as self-interests, experience, and the importance of the issue at hand, which by itself demands other human considerations. In the discussion of Bakhtin's *Marxism and the Philosophy of Language* Caryl Emerson writes:

*Bakhtin would say, therefore, that we evolve the*

<sup>2</sup> For the same problem with cultural theory, see Elkins and Simeon's paper "A Cause in Search of Its Effects, or What Does Political Culture Explain" (Comparative Politics, January, 1979).

*mechanisms to express that which our environment makes available for us to experience. At any given time the fit between self and society may not be perfect, indeed cannot be perfect, but the mechanisms are always present to engage self and society in dialogue. In such a model of reality, there is no room for - and perhaps no conceptual possibility of - an independent unconscious. (Emerson, 1983).*

As expounded above, cultural mold is what gives us the primordial traits of standards of social relations and sets parameters for human behavior and expectations. This primordial trait may vary slightly from society to society, but it is the beginning point in any decision making. This dimension of cultural mold is what gives a group, a nation, or region, a certain orientation and outlook different from others. When experiences, self-interests, and other personal or special factors are brought to bear, there results a range of choices that differentiate one individual's choice from another, even though they may come from the same culture.

Illiteracy, ignorance, poverty, and perhaps a heavy dose of prejudice have given different groups certain negative dispensations towards others. In Ghanaian society, these negative stereotypes are seldom dealt with. While many in the southern part of Ghana look upon Northerners as backward, many Northerners consider the Asantes<sup>3</sup> especially as cheats and arrogant. Within the Northern group, some tribes are seen as thieves, while others have come to assume a certain sense of superiority over their neighbors. Many in Brong Ahafo consider women from Nkoranza as "men stealers." The insinuation is that the Nkoranza women know how to make their husbands happy. Here, what should have been a positive attribute is turned negative by prejudice. The list goes on. The man on the street may indulge in this situation of mutual animosity and prejudice, but the social scientist cannot make such broad generalization born of ignorance. While it may be true that some of these attributes exist in particular groups, many who make such statements have friends from these same groups who do not show the negative attributes. In addition, how do we explain the underlying cause of the negative attributes even if they were true? Which part of the group's culture produces these negative stereotypes? Applying the rigorous standards of social science may reveal that lack of education alone is the cause of such behavior. Education, as we know is not an attributes of culture, it may enhance culture!

## **DERIVING PREFERENCES FROM CULTURE: FOUR WAYS OF LIFE**

Cultural theory is based on the axiom that what matters

<sup>3</sup> The Asantes of Ghana are part of the Akan group which make up about two thirds of the population of Ghana. "Ashanti"- the anglicized version of Asante sometimes used to refer to the land or people who originally migrated from the north-western part of the Niger River in West Africa.

most to people is their relationships with other people and other people's relationships with them...An act is culturally rational, therefore, if it supports one's way of life (Wildavsky, 1987: 5-6)

We agree with Wildavsky's assertion that what matters to people is their relationships with other people, but not just anybody. What matters to people is their relationships with certain other people who for one reason or another are more important in that person's life. These may include family, friends, acquaintances, etc. The rationality and socialization of human beings equip us with the tools to adhere to certain minimum standard of human expectations and behavior, which allows us to relate to total strangers with decency. This is what affords human beings dignity. To assert that an act is culturally rational if it supports one's way of life, is to claim that there are no human standards. Granted, certain localized acts may seem strange and irrational to outsiders, while perfectly normal and rational to the actors. Often, such acts are not critical for that group's survival. It may merely be a variation of certain human actions based on those groups available resources for addressing a particular issue, or a practice created by certain important personalities in the group, such as high priest or king, in a bid to force certain orientation on the group, or simply an act born of ignorance which still persists. To go from that to a generalization of all acts, is to presume that all acts are socially acceptable if they support one's way of life. A criminal act, for example, may support one's way of life, but cannot be said to be culturally rational. An altruistic act though culturally rational cannot be said to support a way of life, since the actor may indeed pay with his or her life. Besides, cultural rationality applies to groups not individuals. Individuals may be cultured, but only groups have culture. While it would make little sense to attribute a man's actions on the streets of New York to culture, especially if one is trying to understand why a certain action was taken, it will make perfect sense to explain certain actions by groups in New York by culture. In the example above, the attempt to explain certain human actions solely based on one's culture sets a dangerous precedence which at best breeds prejudice and all its resultant vices.

In dealing with his four models of culture, Wildavsky makes several assertions that need commenting on. He states: Though we can imagine an infinite number of potential cultures, only a relatively small number...are filled with human activity; the rest are deserted...The dimensions of cultural theory are based on answers to two questions: Who am I? And what shall I do? (Wildavsky, 1987:6)

Culture is by definition a human activity. A culture devoid of human activity cannot be called culture unless we are talking about culture, say, in biological terms. It is interesting to note how the American culture has shaped Wildavsky to frame his dimensions of cultural theory in individualistic terms, even in dealing with a group oriented concept such as culture. When an infant



becomes self conscious, it is most likely to be in the company of others. Why is the question not, who are we, and why are we here? Obviously, the “we” question would arrive at a different answer from Wildavsky’s.

The claim that, *cultural theory may be distinguished by a necessity theorem: conflict among cultures is a precondition of cultural identity. It is the differences and distances from others that define one’s own cultural identity*” (Wildavsky, 1987:7), is without foundation. Here, Wildavsky is engaged in “ad hoc theorizing:” building a theory by grabbing statements that seem to support his position at any given time. Social scientists should be careful not to fall for “theories” of mankind based solely on particular examples found only in certain localities. Awareness of ethnocentrism is one of the first standards imbued into social scientists in their early development in the field. The foundation of a good theory is well defined in the beginning of the inquiry, which sets parameters for the scope and applicability of the theory. What then follows are explanations, elaborations, and affirmations, or lack thereof. What Wildavsky is doing is building the theory as he goes along. As has been shown, the use of culture as an explanatory tool is problematic to start with, to add these assertions and unsubstantiated theorems further complicates the matter.

Conflict among cultures may arise from differences of outlook among groups, which further exacerbates other differences among them. The sharpening of differences may indeed make one more aware of his or her own outlook vis-a-vis outsiders. To leap to the conclusion that conflict, therefore, is a precondition for one’s cultural identity is not only fallacious but dangerous. Conflict between two groups is only an indication of disagreement on an issue or several issues between them. This in itself in no way defines the identity of any of the groups. It only indicates the positions of the groups on that particular issue. A land dispute between two groups may have little to do with culture and a lot to do with greed. It is true that sometimes it is helpful to describe something by first describing what it is not. However, since human beings share certain traits, simply for being human, and since there are several variations of human conduct, describing what one is not, does not necessarily describes what one is. We wonder how a conflict between say, Britain and Argentina defines the cultural identity of both. Here, the conflict itself may be mitigated by other circumstances, not culture. If Britain did not have the military force to oppose Argentina, the conflict between them would have taken a different form, most likely negotiations, and the Falkland Islands may be called Malvinas today. If Argentina did not have a military government, the conflict may not have arisen at all.

Groups may be separated by language, history, and distance and still share certain fundamental beliefs that make the cultures close on certain core values. For example, the Asantes of Ghana and the Navajo Indians share a common cultural value in terms of deference to

age, reverence for their ancestors, and kingship arrangements. Both societies are matrilineal, which dictates that everyone in the kingship group is responsible for everyone else. This common cultural attribute makes the Asante spiritual and social outlook very similar to that of Navajo even though the two cultures are separated by thousands of miles of ocean. Surely, there are several such examples to be found elsewhere contrary to Wildavsky’s claim.

The pervasiveness of the adversarial system which has created the “us versus them” mentality in all walks of American life rears up its ugly head even in such intellectual exercise such as this. Wildavsky’s statement that conflict among cultures is a precondition for one’s identity is quite profound. Such an outlook perpetuates divisions not only on the inter-cultural level but intra-cultural as well. On the inter-cultural level, this attitude justifies certain national actions that have been branded imperialistic. America’s cold-war actions in many developing nations are examples. On the intra-cultural level, this is manifested in America in terms of Republicans versus Democrats, males versus females, heterosexuals versus homosexuals, Blacks versus Jews, and white males versus everybody else. This outlook brings about social division instead of unity.

#### “PREFERENCES NEED NO INFERENCES”

Wildavsky asks the question: *How does the social filter enable people who possess only inches of facts to generate miles of preferences? What is it about culture that makes them the kind of theories that ordinary folk can use to figure out their preferences? The ability of people to know what they prefer without knowing much else lies at the crux of understanding preference formation...Preferences can and do come sideways, from identification, experiences, and conversions* (Wildavsky, 1987:8)

As has been shown by the definition of culture and also by our own experiences, human beings, through socialization, experience, education, upbringing, etc., at any given time possess stores of information, conscious and unconscious which are brought to bear in any decision making process. Even with these tools, we do not always know what we want. For example, sometimes we may buy something only to return or exchange it later not because it is defective, but because we do not like the color, shape, or simply do not like it. And what about falling head over heels in love, get married, only to be divorced soon thereafter? The dynamics of choice is not simple enough to allow for the kind of study Wildavsky and others want to undertake. Granted, under certain conditions, certain human actions can be predicted by knowing certain information about them. But this hardly makes cultural studies scientific. Just about any situation one can think of can be predicted to some extent if

certain information is available. Using culture to explain causation is akin to saying, there is a dog, when one hears a bark. Though one may be alerted to the existence of a dog nearby, this is not an explanation, but a restatement of the obvious, since no other domestic animal barks. Just hearing the bark does not tell us why the dog is barking or who it is barking at. It may be barking at a person, a rabbit, another dog, or simply alerting its owner that it is hungry or cold. For some people, making a choice depends on the issue at hand. For some, it is a matter of copying others whose judgment in the past has been helpful to them. For others, it is a matter of picking without thought, an arbitrary act as in “inni, mini, myni, mo!” For yet others, it is a process whereby certain psychological orientations based on experience, personal and otherwise, coupled with socialization and enlightened self-interest are brought to bear. And what about factors such as kinship ties, age, race, gender, etc? People do not use culture theory to figure out their preferences as claimed by Wildavsky. Cultural theorists are trying to use preference formation to figure out culture theory, instead of the other way around! As has been established in this paper, the tools for preference formation are built into human life, some fixed, others forever changing. Even the ones we think are fixed are to some extent dependant on the issue, time, and place.

What does political culture mean? What does it mean, for example, to say “the political culture of Republicans?” Such a statement is a broad description of the majority of Republicans, limited to political categorization only in terms of differentiating Republicans from other groups such as Democrats and Independents. Though this categorization may be clear to Americans, most outsiders who are not Western Europeans would not find it immediately useful as a gauge for political division. Besides, do all Republicans behave alike? How does one become affiliated with a political group? Is it the same process involved, say, in buying a shoe, or is it a different process altogether? Though both are acts of choice, the act of political affiliation demands consideration of more intense factors than buying a shoe. The factors involved in buying a shoe may include the following: price, leather or synthetic, color, size, style, and comfort. These are all personal preferences, which are not very difficult to make. That is why we do not spend hours in a shoe store. Besides, if we do not like it, we can take it back, or give it away. The thought process involved with political affiliation is more demanding than that. This may involve parental influence, experience, religion, gender, race, income level, education, sexual orientation, locality, and an approximate convergence of the political party's position on certain key issues and one's own interests.

Analysis of how one makes political choices shows that it is a complicated matter, sometimes impossible to pinpoint the exact factors that go into the making of the choice. For example, if a person is raised to believe that

he is where he is because he worked hard, or even if he inherited assets from grandpa, the idea that grandpa worked hard is by inheritance transferred to him. Such a person would likely have at the core of his political ideology, the idea that hard work is the key to success, and is likely to oppose any remedial program, and support limited government intervention in society. It is fairly reasonable to characterize many Republicans in America with such an outlook. Having said that, how do we explain their actions? Is it because of their upbringing, personal experiences, and interests, or is it because they are Republicans? If we answer that it is because they are Republicans, the next question is why do Republicans act that way? Do we then fall back on their upbringing or personal experience? Which part of their personal experience and upbringing? Is it the fact that they worked hard and had a hard time growing up? In that case most Black Americans should be Republicans. Or is it the fact that they had it easy? In that case Republicans should not be any different from others. How then do we use culture to explain how two people, born of the same parents, growing up in the same household, and privy to the same developmental information and orientation, end up, one Republican, one Democrat?

## CONCLUSION

How do we use culture to explain choice? Impossible, except where one is dealing with cross-cultural comparisons. This is because culture encompasses all human actions, that is why “culture trait” means trait; it is the culture that gives the trait and at the same time the trait describes the culture's orientation. To finally put to rest what has been called culture theory, for which we call “cultural elaboration,” the following metaphor will suffice.

Using culture to explain causation is like telling a mechanic that your car would not start. Though useful information, indicating to the mechanic the general condition of the car, this information does very little in terms of helping the mechanic diagnose the problem. If that information was not given by the customer, that would have been the first and easy information he would have found out by simply turning on the ignition.

Likewise, cultural explanations are only generalizations of certain group pre-dispositions, not explanations that can be used to predict future actions. In the car example above, the problem may be from several sources. It may be an electrical problem. If it is, is it the battery, or coil, or spark plugs, or the computer, a fuse, bad contact, distributor, or a short in a wire, etc? It may be a fuel problem. If it is, is it the fuel pump, relay, out of gas, kink in the gas line? If it is an older car, is it the carburetor? If it is the carburetor, is it the float, spindle, or bad diaphragm? If it is a newer car, is it the injectors, throttle sensor, or injection pump? After all this trouble, it may

turn out that the catalytic converter is stopped up, or the engine is locked up. Telling the mechanic the car will not start is a description of the symptom, not a diagnosis of the problem.

Cultural explanations are tools for approximations and generalizations not precision and predictions. The narrowing down of possibilities as found in the case of the car is what will help us come up with reasons why and how human beings make certain choices; that is, if such a feat is at all possible.

In addition to the parts mentioned in the car analogy, there are several large and small parts that work together to make a car run. So it is with culture. The various parts of human development are so intricately linked and complicated that it becomes virtually impossible at any given time to isolate certain components of one's culture in order to identify specifically how and why a particular choice was made. Asking the question Wildavsky asks: "what is it about cultures that makes them the kind of theories that ordinary folk can use to figure out their preferences," is like asking what is it about a car that makes it able to move from point A to B?

First, a car that is not designed to move from point A to B is not a car. By definition, that is what a car is supposed to do. Otherwise it is just a metal enclosure, perhaps a small noisy metal home? A human being deprived of culture ceases to be human. Now, if one asks, what makes the car go, what would the answer be? Is it the tires, electrical system, transmission, gasoline, oil, axles, or perhaps the engine? Which parts of the engine? I would not bother going into the many parts in the engine that work together to make it run. Even if we consider the engine as one unit, that alone will not make the car run. It takes all the parts, coordinated in a specific way for the car to move from point A to B. So it is with human beings, if we make culture analogous to the engine of a car, for which the many components cannot be isolated or identified as the specific cause for a choice, that alone cannot be used to explain why one action was taken instead of another. If this were the case, people in the same culture should have similar preferences, and there would be no need to talk about intra-cultural differences - Republicans versus Democrats for example, within the American political culture or NDC versus NPP among the Asantes in the Ghanaian political culture.

The dynamics of "preference formation" is a bit more complicated than what Wildavsky asserts. Like a car, it takes more than just the engine to work. To come to a particular choice, it takes the many components and dynamism of culture, experience-personal and otherwise, education, upbringing, religion, lifestyle, self-interests, gender, race, age, etc. How these various components work together in making a choice is impossible to determine.

If Wildavsky had bothered to operationalize some of his broad concepts such as "identifications," "experiences,"

and "conversions," he would quickly have realized that these concepts are not necessarily independent of each other; they are directly shaped by culture. Once again, the dependent variable is a subset of the independent variable. Causality under these terms cannot be established. Anthropologists are free to use culture theory because in that field, simple narrative and descriptions will suffice in many instances. In addition, it must be stated that culture is not static; it is weighted and directed by many social forces. Culture theory simply does not stand up to the methodological scrutiny and rigors of social science.

### Conflict of Interests

The authors have not declared any conflict of interests.

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Review

## Political Leadership in Ghana: 1957 to 2010

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Received 29 August, 2014; Accepted 24 December, 2014

**Leadership is a universally recognized concept whose practice and interpretation is culturally framed. The fundamental thrust of this study is to examine the leadership journey in Ghana with specific reference to political leaders, military or civilian; and their administrative leadership styles. Four outlined variables in the form of personality, values, role and setting constituted the framework of analysis, which portrays an objective methodology toward the illustration and understanding of the operations of administrative leadership. It was revealed that most of the democratically elected leaders started as democratic, charismatic and servant-leaders on their leadership journey, but along the line became authoritarian and tribalistic; hence losing the confidence of the populace. This calls for potential leaders to undergo some training and mentoring before taking up the mantle of leadership, since leaders are made and not born. Thus, the countless coup d'états that occurred illustrate the hunger of Ghanaians in search of a leader who cares for their socio-economic wellbeing.**

**Key words:** Leadership, administration, transformational, transactional, public, Ghana

### INTRODUCTION

Favourable economic conditions may create an environment for the success or failure of a political era; but a critical factor determining the success of a particular political regime is leadership. The extant literature on leadership presupposes that the study of effective leadership is enjoying a period of resurgence at present across the entire globe (Judge and Piccolo, 2004; Winston and Patterson, 2006; Conger, 1989; Handy, 1989; Muczyk and Reinmann, 1987). Mullins (2010) opined that good leaders are made and not born. Thus, individuals with the earnest desire and willpower can become effective leaders through a never-ending process of self-study, education, training and experience. Aryee

(as cited in Bofo-Arthur, 2007) indicated that one of the most persuasive ideas to have emerged from leadership research is that unlike the Asian 'dragons', which have developed transformational leaders to spearhead their socio-economic development, African states have not paid sufficient attention to preparing tomorrow's leaders; and this is the reason why so many states have remained largely underdeveloped. Bass (1999) contends that the East Asian 'dragons' were able to develop transformational leaders partly, among others, due to their ability to build an organisational culture where top management and leaders articulate the changes that need to occur.

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Prior to the advent of colonization, Ghana, then Gold Coast, did not have any notable political leader because it was not unified as a single country with one leader. To explain this further, Buah (1998) contends that the region was made up of states and kingdoms, which were independent of each other.

At the head of each kingdom was the supreme ruler who secured and consolidated his position through hereditary succession, either maternally or paternally; and also through a due consideration by elders of certain traits possessed by the person. For example, Odotei and Awedoba (2006) revealed that the Kasena-Nankana, Kusasi and Balsa chieftaincy successions are paternally based; and the personality traits that qualified a successor among others were eloquence, charisma, intelligence, courage and physical fitness. As Buah noted, once installed as a king, the ruler assumed the executive, legislative and judicial powers of the kingdom. Odotei and Awedoba also assert that the chief wielded social, political, religious and economic authority by virtue of his position. Thus, such was the leadership responsibility then.

However, the declaration of the Gold Coast as a colonial administrative unit under the British Empire introduced a system of leadership that was new to the natives. This system of leadership which was constructed based on the western style of governance had very little appreciation of traditional institutions, customs and values, which the people of the Gold Coast were familiar with (Buah, 1998). Thus, as stated by Odotei and Awedoba (2006), the sovereignty of the people was undermined as a result. In that, the rights of the natives to rule themselves and make decisions that is in line with their customs and beliefs, devoid of external influence, was taken away from them.

Since Ghana's political independence in 1957, reforming the administrative state inherited from the colonial authorities became the country's major quest for development. Various governments, military or civilian, have made reforms a major priority on their developmental agenda and have, therefore, expended significant resources, both human and financial, in these efforts. This primary objective may have accounted for some of the leaders the nation has had at her political helm of affairs. The preoccupation with reform stems from the belief that the effectiveness of the political system, and therefore even the viability of the regime itself depended to a substantial extent on effective leadership in implementing the regime's policy (March and Olsen, 1983). The journey to developing a better administrative state capable of meeting the needs of citizens is the reason for the 57 years of changes in leaders and political systems that Ghana has experienced. This paper examines the performance of political leadership in Ghana from 1957-2010, on a 4-dimensional model; personality, values, roles, and setting.

## PANORAMIC OVERVIEW OF LEADERSHIP

Leadership is a universally recognized concept. However, the practice and interpretation of it is culturally framed. It has a plethora of definitions with no single definition as the generally accepted one. For the purpose of this paper, Kotter's (1988) definition of leadership is adopted. He states:

*creating a vision of the future that takes into account the legitimate long-term interests of the parties involved; of developing a rational strategy for moving towards that vision; of enlisting the support of key power centers whose cooperation, compliance or teamwork is necessary to produce that movement; and motivating the people whose actions are central to implementing the strategy* (pp. 25-26).

Leadership revolves around purpose, and purpose is at the heart of the leader-follower relationship. Indeed, in some cases a compelling statement of mission not only gives direction to a group, but also lends to its formative experience, shaping the identity of group members by highlighting a shared aim. According to Burns (1978), leaders can be distinguished from their followers in several ways. Firstly, the leader takes the initiative in making the leader-led connection; and secondly, the leader is more skillful in evaluating followers' motives, anticipating their responses to an initiative and estimating their power bases. Further, Burns distinguished between leadership and 'naked power wielding', and stated that leadership is a form of power and a way of making something happen that otherwise would not have happened. From Kotter's and Burns' views on leadership, this paper proposes a conception of leadership with three key elements that is leadership; (a) as an activity with purpose; (b) as a collective endeavour involving leaders and followers; and (c) as a form of power.

Theories of leadership abound in management literature. Each serving as an embodiment of what the various authors thought or found leadership to be; or what the demands of prevailing circumstances led people to perceive of leadership. Theories of leadership such as the 'Great man' and 'Trait' theories emerged with the assertion that leadership is only the reserve of a few naturally or biologically privileged individuals (Bolden, Gosling, Marturano and Dennison, 2003); thus, implying a clear distinction between those born to lead (charismatic individuals) and those born to be led (non-charismatic individuals). Certain innate or in-born qualities such as extroversion, confidence, persistence and resilience, amongst others were advanced by these two theories as prerequisites to holding leadership positions. However, this assertion was debunked when studies showed that no universally observable trend existed in relation to the possession and exhibition of these traits among leaders. Next, another school of

thought introduced a behavioural perspective to understanding leadership. The behavioral theory of leadership concentrated on the behaviours exhibited by leaders toward their fellow humans (group members) – the outcome of which was based on their perception of what the human nature is; and secondly, the behaviours they exhibited toward group task execution. Under this theory, various leadership styles such as the autocratic, democratic and laissez-faire leadership styles, amongst others emerged (Bolden et al., 2003; Blake and Mouton, 1964; Lewin et al., 1939). Basically, the behavioral theory grants a better understanding of what leadership is, by providing some easily observable leadership attributes or characteristics under the various styles that could be learnt or adopted by the individual. It also provides an understanding as to which kind of leadership style is most effective in leading people. However, what the theory failed to do was to grant due consideration to the relevance of surrounding situations or occurrences to leadership effectiveness; thus, creating a gap that was to be filled by the Contingency and Situational schools of thought (Fiedler, 1967; Hersey and Blanchard, 1977; Tannenbaum and Schmidt, 1958; Bolden et al., 2003; Adair, 1973). The contingency and situational theories kicked against the notion that a single leadership approach suited all situations; these theories also accentuated the fact that past leadership success stories were to some extent influenced by prevailing situations or conditions at the time. Some of these prevailing situations and conditions that influenced leadership success, according to Fiedler (1967), included the leader-follower relationship, the task structure, and the leader's authority or legitimate power. Hemphill (1949) also opined that these theories clearly project the idea that, what an individual actually does when acting as a leader is in large part dependent upon characteristics of the situation in which he functions. Thus, these theories look at the varying of leadership approaches by leaders to suit prevailing situations or conditions in order to achieve success. Again, Groves (2005) and Jung and Sosik (2006) allude to the fact that prevailing social patterns and conditions, as well as a leader's psychological characteristics determine a leader's success in achieving organizational effectiveness. Whereas Groves focuses on the social patterns and conditions under which the leader exists; Jung and Sosik (2006) emphasize the psychological characteristics of the leaders which make them successful. Thus, neither the exclusive consideration of the sociological orientation nor the psychological approach alone can effectively explain leadership holistically. However, a combination of both the social patterns and conditions and the psychological characteristics of a leader can explain, to a large extent, the effectiveness and success of that leader.

Notwithstanding the valuable contributions the above examined leadership theories have made to projecting the meaning of leadership, two major theories of leadership

in contemporary times have provided some sound conceptual and operational meanings to the concept – the transformational and transactional leadership theories (Odumeru and Ifeanyi, 2013). These two theories are part of a three-dimensional leadership theory referred to in the management literature as the full-range leadership theory (Avolio and Bass, 1991 as cited in Paraschiv, 2013; Khan et al., 2011; Michel et al., 2011). The transformational and transactional leadership theories capture McGregor's theory Y and X approaches to managing people respectively; and thus, could be said to represent two opposing extremes of some sort of a leadership continuum (Nikezić et al., 2012; Odumeru and Ifeanyi, 2013). Transformational leadership means leadership that is charismatic and idealistic; that motivates followers to achieve great feats through the setting of high individual and group goals; that is determined to cause a positive change in procedures and attained outcomes, and thus, creates an environment that allows for innovative or creative thinking among followers; and finally, that leadership approach that factors or integrates the individual's needs (intrinsic and extrinsic) with those of the group (Lai, 2011). The aforementioned attributes of the transformational leadership theory characterize the four dimensions underlying the theory, namely; idealized influence, inspirational motivation, intellectual stimulation, and individual consideration (Bolden et al., 2003). On the other end of the continuum is the transactional leadership approach, which is that kind of leadership that exemplifies a transactional or an exchange relationship between leaders and followers (Yukl, 1981). Transactional leaders give followers something they want in exchange for something the leaders want (Kuhnert and Lewis, 1987). In other words, this form of leadership thrives on a contractual agreement (written or psychological) that exists between a leader and his followers, whereby one (leader) expects from the other (follower) the successful completion of an assigned task in exchange for some sort of reward (mostly extrinsic). The transactional leadership theory is also sub-divided into three dimensions: contingent reward, management-by-exception (active) and (passive) (Bolden et al., 2003). The first named dimension is what is mostly adopted as an explanation to the transactional leadership theory; however, the two other dimensions (management-by-exception passive and active) explain how transactional leaders manage their followers during task execution. Management-by-exception (passive) connotes a management approach adopted by transactional leaders, where followers are made to operate freely without any strict supervision, but are corrected by the leader whenever mistakes are made or rules are flouted. Management-by-exception (active), on the other hand, refers to the strict monitoring of followers by the leader to avoid mistakes and any acts of rule violation during task execution.

Contrary to the above, other authors through a theoretical and empirical assessment of the two theories



have found some augmenting or supplementary role existing between the two (Bass and Avolio, 1994; Howell and Avolio, 1993; Lowe et al., 1996; Rowold, 2006; Bass et al., 2003; Stone, 1992; Chan and Chan, 2005). They emphasized how transformational leadership augments the transactional leadership in enhancing individual, team and organizational effectiveness. This means that neither transformational leadership nor transactional leadership alone can ensure the effectiveness of a group to the optimum. On the contrary, a leader who can combine both styles of leadership, well, is most likely to be successful in ensuring group effectiveness and goal attainment.

### **The Context of Political Leadership in Ghana**

Aryee (as cited in Bofo-Arthur, 2007) argued that leadership goes to the heart of politics, that is, the capacity of a people to act together on their shared concerns.

Ghana's post-independence history has been characterized by long periods of military rule, marked by gross human rights abuses (Abdulai, 2008). With the exception of the first republic under Nkrumah (1960-1966), the interludes of civilian governments under the second (1969-1972) and third (1979-1981) republics have been short-lived, unable to survive for up to three years without coup d'états (Abdulai and Quantson, 2008). In the late 1980s, after nearly one decade of quasi-military rule under the Provisional National Defence Council (PNDC), strong internal and external pressures on the government led to the promulgation of a liberal constitution in 1992; and the reinstatement of multi-party democracy in the same year, thus, ushering Ghana into the Fourth Republic.

Since 1992, Ghana has held five successful multiparty democratic elections. The peaceful transfer of power from the government of the National Democratic Congress (NDC) to the New Patriotic Party (NPP) following national elections in December 2000 clearly demonstrates how far Ghana has travelled towards democratic consolidation over the past decade. Beyond successful elections, Ghana has made appreciable progress in institutionalizing multiparty democratic governance within the framework of the 1992 Constitution. To date, there is considerable evidence of political liberalization, which allows Ghanaians to enjoy a much wider range of rights and liberties, as well as the emergence of a vibrant civil society and a free and independent media that increasingly hold government accountable on behalf of citizens. Indeed, with these significant developments, Ghana's democratization has been touted as one of the political success stories in Africa (Gyimah-Boadi, 2008; Whitfield and Jones, 2009).

In the words of Aryee (1994), the context of political leadership in Ghana is influenced by four factors; the

challenges that face all political leaders (such as the poor state of the economy, unemployment, among others); the neoliberal economic environment with which the leaders work; culture; and the media. Leaders are faced with a myriad of problems including the almost insurmountable challenge of meeting expectations with meager resources; the need to grapple with the continued dependence on an unfavourable international economic order; the need to incorporate a diverse population into a workable whole; and to establish the guidelines for a distinctive Ghanaian path of not only constructive change but also socio-economic development (Pellow and Chazan, 1986).

These challenges to political leadership, among others, have not only affected the performance of the Rawlings and Kufuor regimes as indicated by Aryee (1994); but also the previous governments of Nkrumah, Busia and Limann, as well as the Mills' led administration. The poor state of the Ghanaian economy, coupled with poor administrative reforms, human rights issues and unemployment have been key election issues in the political history of Ghana. For instance, in 2000 and 2008, the poor state of the economy and the perception of corruption were contributory factors that led to the NDC and NPP losing the elections respectively. As indicated by Abdulai (2008), the long periods of military rule, marked by gross human rights abuses in the post-independence era was the result of the quest for effective leadership for the nation.

Since the inception of the fourth republic, Ghana has pursued a neoliberal ideology. This ideology places emphasis on rolling back or shrinking the frontiers or role of the state; privatization and deregulation; trade and financial liberalization; and encouraging foreign direct investment. The 1992 Constitution buttresses the neoliberal environment with the following provisions:

- i) Establishing and strengthening a democratic state, based on the ideals and principles of freedom, equality, regional and gender balance, justice, probity, accountability, transparency and competence.
- ii) Eradication of corrupt practices and the abuse of power.
- iii) Institution-building and reforms.
- iv) Decentralization of administrative and financial machinery of government to the regions and districts.
- v) Development of 'value for money' public services (Republic of Ghana Constitution, 1992, chapter 6, article 35).

The neoliberal environment, complemented strongly by the constitutional arrangements, has rendered some advantages to the country. One major advantage is that it has helped Ghana strengthen democratic principles such as freedom, accountability and transparency which hitherto was minimal in the country. For instance, before the fourth republic, freedom of speech and press freedom



were not very popular in practice in the country as compared to the Kuffour, Mills and present Mahama's administrations. Contrarily, the country's attempt to establish a neoliberal environment has not aided her much in terms of economic and sustainable development. A factor also influencing political leadership is the media. Political leadership lost its monopoly of the flow of information on governmental issues due to the influx of private media houses in the country since the advent of the fourth republic. The media provide an alternative outlet for minority parties and groups to criticize political leadership. This is largely at variance with the state-owned media, whose coverage of leadership activities is sometimes skewed in favour of the government in power. According to Nana Konadu Agyeman Rawlings, former first lady, "the state-owned media is supposed to support the government because it is paid from government resources" (Boafo-Arthur, 2007, p. 160).

Furthermore, another factor impacting on political leadership is the cultural underpinnings of the nation, such as kinship and ethnicity. Although the Ghanaian culture emphasizes attributes such as good character, kinship and ethnicity, it has tended to have a largely negative influence on the political leadership in Ghana. In the words of Sandbrook and Oelbaum (1999), the Ghanaian culture of promoting patronage has reinforced the view that, "when a society's impersonal legal guarantees of physical security, status, and wealth are relatively weak or non-existent, individuals seek personal substitutes by attaching themselves to 'big-men' capable of producing protection and even advancement" (p. 109). Consequently, the Ghanaian culture has a view of politics that has generated patronage, which is essentially extractive. The political arena is seen as an avenue for wealth creation; hence, in its broadest sense, the reward for successful engagement. Chazan (1983) opined that this kind of thinking by politicians and the electorate has encouraged a vicious cycle of competition for access to and control over national resources. The interplay of the challenges facing political leaders, the neoliberal economic environment, culture and the media, have exposed the peculiarity and distinctiveness of leadership challenges and performance in Ghana. Consequently, they provide important bases upon which one can understand and evaluate political leadership in Ghana.

## CONCEPTUAL FRAMEWORK

An objective analysis of the leadership performance of a particular administrative system cannot be conducted in isolation. In line with this assertion, four variables are outlined and discussed as the basis of fathoming the leadership performance under the various political regimes. The variables, however, do overlap and interact cohesively throughout a leader's policy or decision-making processes. To justify this, the author is of the

view that the call to leadership and how leaders lead is influenced by who they are as individuals, their unique characteristics as well as what they have in common with other members of society (*personality*) which has some impact on what they do and the part they play at the echelons of power (*role*). Furthermore, as individuals, leaders have ideals, standards, beliefs and wishes they uphold (*values*) are largely influenced operationally by the environment within which they operate (*setting*).

### Personality

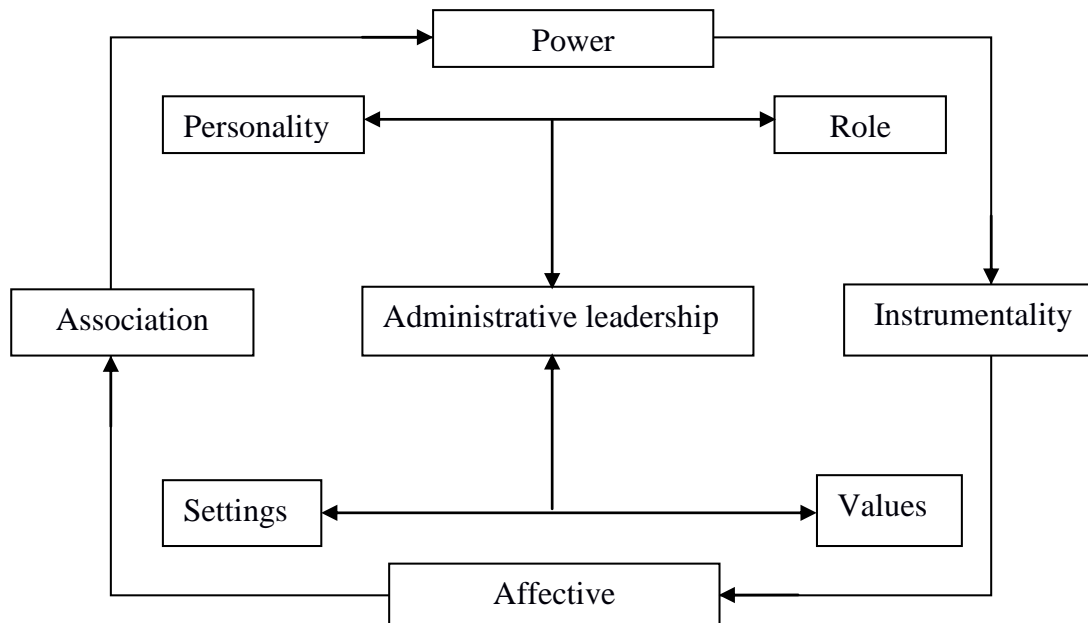
It is the characteristics that identify an individual and encompasses qualities that may be shared with other members of the society. Since leaders are human beings, the study of their personalities is essential to grasp the totality of each one's behaviour and attitude towards certain conditions. The development of an individual's personality begins from childhood and evolves with time as one interacts more with his/her kins, as well as with other surrounding social units (Paige, n.d as cited in Hilmi, 1990).

### Role

It is a set of socially defined expectations of behaviour independent of personality. Leaders such as Kings, Presidents, and military leaders, usually occupy the highest managerial posts in the echelon of the administrative hierarchy (Seligman, 1980). It is imperative here, to distinguish the nature of the executive's position per se from the matrix of the leader's personality. The subordinates expect from their leaders to execute certain policies, which are basically entitled to them as being the true holders of the official administrative offices.

### Values

They are the ideas that concern desirable conditions of affairs and preferable means for the attainment of those ideas. Concepts of values are vital for the study of administrative leadership. Actions which are carried out by the executives are viewed as valid. They act in such a manner because their values and beliefs are legitimate and have been accepted on the part of their subordinates (Hilmi, 1990). Values are mirrors that reflect the visions and the manners of leaders, as well as their actual behaviour. Value analysis is supposed to accomplish certain assignments (Lacouture, 1978). First, is the exploration of operative values as related to administrative leadership behaviour both within and across cultures? Second, value analysis is required to explain the origins and patterns of change of leadership related values. Third, the value analysis might lead to the identification



**Figure 1.** Proposed model for the analysis of leadership performance. Source: Author (2014).

of new values implied within the realm of leadership behaviour.

### Settings

It can be defined as the physical, technological, economic, social and cultural features of the environment of behaviour. The main idea of the concept of setting indicates that administrative leadership behaviour is formulated in an environment that includes human-made and natural components. It is assumed that leadership behaviour is affected by influences of the environment either directly or indirectly (Wilner, 1981).

However, it is well understandable to contend that the executive's behaviour takes shape in a certain organizational setting. Subsequently, the organization influences the leader's behaviour and vice versa. Apparently, there are four major interdisciplinary factors that seem to characterize human behaviour, that is to say *power*, *affection*, *instrumentality* and *association* (Boafo-Arthur, 2007). Power is the actual or attempted control of one part over another in a defined system. The concept of affection implies the feelings and emotions of individuals. Also, instrumentality refers to the problem-solving techniques; and association means the structure that links various parts of a behavioural aggregative system and enhances its operational function.

In brief, the conceptual framework in Figure 1 which is composed of the four variables illustrates the collective interdependence flow of the process that formulates the leadership style of the executive, be it a democratically

elected or military-based.

### ANALYSIS OF LEADERSHIP PERFORMANCE UNDER THE CIVILIAN REGIME

So far, an objective analysis of the variables for administrative leadership has been previously presented extensively in this paper. Here the conceptual model is applied to the study of the leadership styles for six democratically elected leaders in Ghana within the period under study; Kwame Nkrumah, Kofi Abrefa Busia, Hilla Limann, Jerry John Rawlings, John Agyekum Kufuor, and John Evans Atta Mills.

#### Kwame Nkrumah: 1957-1966

Osagyefo Dr. Kwame Nkrumah was a spectacular leader in Ghana and a vigorous advocate for Africa's unity. He engineered the administration of Ghana for almost two decades till his overthrow in the mid-1960s. His personality is deeply rooted in the African culture, which is influenced by tribal customs and traditions. He had a profound sense of humour which contributed to his charisma (Hilmi, 1990). His personality as an African and exposure to the Western culture and values modified his leadership behavior (Hilmi, 1990). During the colonial period, his main objective was to free Ghana from the bondage of British colonization. Nkrumah, unlike his colleagues who formed the United Gold Coast Convention (UGCC), believed in the adoption of a radical approach to the attainment of independence. He believed in the individual's right to be the master of his own destiny

without any compulsion from any external source or groups of individual. Biney (2011) wrote that Nkrumah believed in the oneness of African people. Biney further asserts that his belief in racial equality was based on the inalienable principles of freedom and self-determination for all peoples – a belief that led him to emphasize the need for the attainment of self-governance immediately without any delay. This portrayed Nkrumah as an individual with a resilient and an unwavering personality. Nkrumah's association with some individuals like Dr. James Kwegyir Aggrey and Nnamdi Azikiwe (both strong believers in the liberation of the African race) shaped his value systems at a young age, and cultivated in him a resilient and unwavering desire for independence at his adult age, even to the peril of his life. According to Biney, Nkrumah wrote that Dr Kwegyir Aggrey seemed the most remarkable man that he (Nkrumah) had ever met and he had the deepest affection for him. "He possessed intense vitality and enthusiasm... It was through him that my nationalism was first aroused", Nkrumah remarked about Dr Aggrey (Biney, 2011). Coupled with the above stated traits, Nkrumah's selfless and humble personality, which saw him mingling with the non-elitist members of the society, endeared him to many; thus, projecting him as the much awaited "messiah" to lead the path toward the new political and administrative order sought for by the indigenous Gold Coast populace. In view of this, early in the 1950s and with the collaboration of his followers and massive public support, he formed the Convention People's Party (CPP) as a political machinery working for the achievement of Ghana's independence (Bankole, 1983). This desire he had, came into fruition in 1957, leading to his election as the first president of the state in 1960.

His leadership task for the new state was faced with dual realities. First, he realized independent Ghana will be better off economically and socially through adopting the drive of scientific socialism (Dzirasa, 1979). This advocacy can be traced back to Nkrumah's presence in the United States. During his graduate studies, he was affected by the writings of Marx and Lenin. Although he was interested in the adoption of the Marxist ideologies to solving Ghana's severe economic problems, he emphasized the importance of fitting socialism into the African context. The newly elected president recognized that useful application of socialism to the African soil should take into consideration African unique conditions. According to Trevor (1976), his leadership style vis-a-vis his personality made him to be viewed by many as the catalyst of the ultimate authority in Ghana. The other major concern of Nkrumah was the strife for the achievement of African unity. Nkrumah had an all-African unified perspective. In view of this, he tried enthusiastically to unite the fragmented African states through channels of economic, political and defense cooperation (Dennis, 1975). On the other hand, the charismatic personality of Nkrumah and the prominent

role he played in the solidification and the development of Ghana helped sustain his rule for a certain period.

However, judging from the conceptual framework, it is fair to state that, Nkrumah's leadership did have an impact on Ghana in particular and on the African region. But nevertheless, Nkrumah had not really proved to be successful in building strong socialist Ghana or provide a remarkable solution to unify fragmented Africa. He had some challenges establishing a balance between realities and wishes either at home or abroad (Hilmi, 1990). This is described by some scholars as the reason for his sudden overthrow in 1966 through a coup d'état. For instance, Hilmi further writes that the ineffectiveness of planning, had later, contributed to the downfall of his regime. Moreover, Nkrumah had paid less attention to create permanent roots among the Ghanaian masses (Hilmi, 1990).

Assessing the political journey of Nkrumah and his influence in the attainment of Ghana's political independence, it will not be far-fetched to say that Kwame Nkrumah was a *servant-leader* at the initial stages of the fight for political independence where he created a self-government-immediately awareness. However, after becoming the first politically elected leader of Gold Coast, his passing of bills such as the Avoidance of Discrimination Act of 1957 and the Preventive Detention Act (PDA) of 1958 indicated traces of *authoritarian leadership* in his government. By 1964, Nkrumah had become a constitutional dictator after he passed a bill to declare Ghana a one-party state by law.

### **Kofi Abrefa Busia: 1969-1972**

Dr. Kofi Abrefa Busia by virtue of the 1950 constitution became a member of the Legislative Assembly, and his journey into "full time and serious politics" begun (Danso-Boafo, 1996, p. 37). Busia may not have begun as a fully-fledged politician, but he made his intentions clear when he introduced his old party the United Party under the new name the Progress Party in May 2, 1969. According to Ofori-Atta (1978), the formation of the Progress Party brought Busia close to his political dream of forming a democratic government that could replace Nkrumah's government.

The second republic administration of Ghana fell into the leadership arms of Busia when the National Liberation Council (NLC) handed over power to him. The NLC was the junta that ruled Ghana after Nkrumah was ousted in the 1966 coup d'état led by Colonel E. K. Kotoka and General A. A. Afrifa. Busia's role as the prime minister ensured that attempts were made towards the pursuit of a democratic and liberal state as democratic agenda of Busia manifested itself through the various policies and development plans. It is not out of place to assume therefore, that Busia, when he first assumed office, upheld liberal values such as free society as well

as egalitarian principles. For instance, the general good of the populace was thought of in the policy of 'The Aliens Compliance Order of 18<sup>th</sup> November, 1969', which was introduced as a result of the huge economic crises that plagued the economy, and also to create employment for the masses.

Though Busia started as a *democratic leader*, he veered more towards *authoritarian leadership* approach getting to the end of his leadership journey. He undertook a major shakeup in the Ghana Armed Forces in a bid to stamp his authority according to Danso-Boafo (1996). Busia made the following statements:

*My government will exercise its right to employ only persons whom it wishes to employ. No court can enforce...I wish to make myself perfectly clear (p. 37).*

According to Danso-Boafo (1996), the Busia administration as at 1971 was described by the popular Nigerian journalist, Olajide Aluko, in the following lines;

*Not only was it unable to cope with the unemployment problem and inflation...the unwise devaluation of the Cedi by about 44 percent on December 27, 1971...led to the overthrow of his Progress Party government (p. 65).*

Busia's struggle in handling issues of human rights, economic development and international relations appeared to have largely accounted for his overthrow in the 1972 coup d'état led by Col. I.K. Acheampong (Danso-Boafo, 1996).

### **Hilla Limann: 1979-1981**

Dr. Hilla Limann was a democratic leader who was elected into office on the 24<sup>th</sup> of September 1979. Dr. Hilla Limann was one Ghanaian leader who had much respect for the tenets of democracy. He was also seen as an honest person and a gentleman who was more of a diplomat than a politician.

He espoused the virtues of morality, had a great respect for good governance and abhorred corruption, selfishness and greed (Banamini, 2010). For instance, as president he personally wrote a letter to all his appointees reminding them of the code of conduct and beseeched them to shun ostentatious life-styles, but rather to live moderate lives. Limann was also seen by many as a 'powerful man without power' meaning that even though he had power as the president of Ghana he did not put it to effective use - *Laissez-faire* leadership style (Amamoo, 2007). With a great compliment of a diplomat, coupled with his democratic leadership style, Limann initiated a judicious and healthy foreign policy drive with neighbouring countries and the rest of the world (Banamini, 2010).

Amidst the harsh economic conditions he inherited, he advanced policies that supported farmers by giving them

incentives in the form of fair producer prices, machinery and expertise during his administration. Food became more available on the market and long queues for food disappeared within a year of taking power. Again, despite the fact that his government, together with Busia's, were the shortest administrations lived in the history of Ghana's politics, he was able to change the direction of foreign policy programmes that favoured the Communist agenda to ones that embraced the Capitalist orientation. He revitalized this policy, which had been advanced by the military junta of Colonel Acheampong (Amamoo, 2007). Again, to improve relations with the international community and to undo the blockage against the country due to the AFRC's (Armed Forces Revolutionary Council) excesses, more especially its human right abuses, Limann travelled throughout Western Europe, Africa and parts of the Far East not only to renew ties, but also to search for funds to improve the country's shattered economy. This endeavour yielded a positive result as Nigeria, for instance, resumed oil deliveries to Ghana and presented the country with a grant, a non-repayable amount to help Ghana deal with her economic problems. His *democratic leadership* style made him to uphold freedom of speech of the people and of the press. Fundamental human rights were on the whole respected, as people expressed their opinions openly without the fear of harassment at the hands of security agents. Hilla Limann was in office for 27 months as his administration was truncated by another coup led by Flt. Lt. Jerry John Rawlings. However, the latter part of the 27 months of Limann's administration experienced a lot of hardships, and this led to the military overthrowing his government. For instance, the issues of brain drain as a result of poor economic performance under the Limann administration made the country lose a number of its manpower resources (Amamoo, 2007). Even though the Hilla Limann administration was an assuring one, it was not able to fully accomplish its task as an effective government because of the short time it had in power. However, on the whole, Limann's government broadly performed favourably well regarding issues of human rights, economic development and international relations.

### **Jerry John Rawlings: 1993-2000**

Jerry John Rawlings, Ghana's democratically elected leader from 1993 until the 2000 elections, was a Flight Lieutenant in the Air Force and a militant populist when he led the June 4, 1979 coup that overthrew the regime of General Frederick William Kwasi Akuffo.

According to Chazan (1983), Ghana would not have survived the Economic Recovery Programmes without the strength of character and unwavering determination of Mr. Rawlings. He saw part of his role as the head of state to be that of a 'watch dog' for the people. In that role, it was not unusual for him to speak his mind and intervene in issues whenever he saw what he considered



an injustice, corruption or gross incompetence. In September 1999, Rawlings reflected on his 18 years at the helm of affairs in Ghana, in an interview with the Reverend Jesse Jackson on CNN; among other things he stated:

*"...I saw my stewardship as an unusual opportunity; I presided over regimes that instituted authoritarian rule, engaged in political and economic reforms, and encouraged an administration that engendered multi-party democracy in Africa"* (Adedeji, 2001, p. 20).

Rawlings' leadership was a mixture of populism and authoritarianism, sometimes marked by controversial pronouncements. He had the capacity to pull crowds and appealed to the ordinary man on the streets (Shillington, 1992). According to Prof. Ali Mazrui as cited in Agyeman-Duah (2006), "...the supreme achievement of Rawlings was his remarkable transition from military despotism to a peaceful democratic succession" (p. xiii).

Also, in response to a question as to whether he regarded himself as a visionary leader, he responded unequivocally "yes". At the risk of sounding immodest, he said, "Ghana would not have been brought out of the political abyss of 1981 without a visionary leader" (Adedeji, 2001, p. 20). Besides the drawbacks in the area of human rights abuse, corruption, and media phobia relation, Mr. Rawlings is seen as a *visionary leader*. Again, his *charisma* and won him the support of the populace. No wonder many writers such as (Krause, 1987; Shillington, 1992; Adedeji, 2001) describe him as a populist.

According to Shillington (1992), Rawlings seized the rare opportunity of guiding the affairs of his country; saw it through several political and economic transitions in the 1980s and 1990s; alienated political and social groups by employing authoritarian means; obtained financial aid from institutional donors to implement the various recovery programmes; entrenched an economy that is growing through long-term structural adjustment; and sustained a democracy that is not only a work-in-progress but an institutionalized political system. Although, one may argue otherwise, it is of no doubt that Rawlings left a legacy in which Ghanaians as a people and society, have the enviable opportunity to enjoy the quality of life and also to reap the benefits of a systemic development in an ever-changing global, political and economic environment.

Furthermore, Rawlings also brought some simplicity to the presidency and trumpeted anti-corruption ideals shrouded in pronouncements like probity, justice and accountability during his leadership. Thus, the leadership journey of Rawlings could well be described as starting from a *servant-leader*, where he stood for the interests of the masses and worked closely with those at the grassroots, to an *authoritarian leader* and finally to a *democratic leader*.

### **John Agyekum Kufuor: 2001-2008**

John Agyekum Kufuor was a lawyer and a private businessman and had been deputy minister of foreign affairs under the Busia regime, as well as secretary for local government under the PNDC in 1983. He later resigned because of the PNDC's poor human right record. According to Ali Mazrui as cited in Agyeman-Duah (2006);

*...Kwame Nkrumah remains the most prolific presidential writer in Africa's post-colonial history. Kofi Busia remains one of the best-educated Africans to become Head of States. Dr. Limann brought new expertise to the highest ranks of governance in Ghana...and now President J.A. Kufuor has brought legal and constitutional sophistication to the highest political office in the land* (p. xii).

Kufuor symbolized a new dawn in Ghana. He played the role as the first Ghanaian President of the 21<sup>st</sup> century, the first of the new millennium and he brought fresh ideas of nation-building and new energy in the pursuit of development. He is known as the 'gentle giant' because of his calm and unruffled demeanour. His liberal values and his general composure, demeanour and public speaking brought some respect, nobility and dignity to the office of the president. As quoted by Professor Ali Mazrui;

*Kwame Nkrumah was the first African to become a member of Her Majesty's Privy Council in Britain. William Abraham was the first African to be elected fellow of All Soul's College, Oxford. Kofi Annan was the first Black man to become Secretary-General of the United Nations. And now J.A. Kufuor is the first African legal mind to be entrusted with the Rule of Law in an African country in this millennium* (Agyeman-Duah, 2006, p. xii).

Kufuor's relationship with the business community and the media was cordial. No wonder he declared in his sessional address to parliament on his re-election that 2004 was going to be a 'business-friendly year'. On the basis of the framework for analysis, it is not unreasonable to say that in all, Mr. Kufuor was largely *transformational* in his style of leadership advancing policies that were mindful of the needy and putting in place social interventions that help the poor and disadvantaged in society. Additionally, he scored high marks with respect to his foreign policy, having attracted the biggest financial aid in the history of Ghana – Millennium Development Fund. Economic-wise, his government was able to stabilize the macro economy and had moderate achievements on human right issues (Agyeman-Duah, 2006).

### **John Evans Atta Mills: 2009-2012**

John Evans Fiifi Atta Mills, popularly known as

“asomdwehene” literally translated as the “king of peace” served as Ghana’s Vice President from 1997 to 2001 in the administration of former president Jerry John Rawlings (National Democratic Congress, n.d).

In his article entitled, ‘*Leadership style of President John Atta-Mills*’, Dr. William Addai observed that Mills’ ability to solve problems in a reactive and team-oriented manner as well as his ability to be unconstructive and avoid confrontations makes him stand out as a real team player (Addai, 2009). Like his predecessor, Mills’ general composure, patience, modesty and demeanour brought some respect, nobility and dignity to the office of the president. In analyzing the specific talents and behaviour of President Mills, it becomes obvious that he is indeed a servant-leader. His posture, patience and demeanour are attributes that characterizes a *servant-leader*. No wonder Addai (2009) opined that the specific talents and behaviour of president Mills to his job such as dependable manager, comprehensive in problem solving, service-oriented, objective, proficient and skilled in technical specialty, as well as maintenance of standards identify his value to the political position he occupied.

In conclusion, one can argue that the personal qualities of Presidents Mills no doubt portray him as a *servant leader*, even though along the line he exhibited traces of *laissez-faire leadership* styles before his demise on 24<sup>th</sup> July 2012 and before the end of his tenure – making him the first sitting president to die in office. Thus far, it appears that the application of the proposed conceptual framework of leadership to Atta Mills serves quite properly even though one cannot preempt what the end of his turnover would have been.

## **ANALYSIS OF LEADERSHIP PERFORMANCE UNDER THE MILITARY REGIME**

Here, this paper focuses on the leadership styles of three military leaders who through coup d’états assumed leadership in Ghana. This part of the study is devoted to the analysis of the *leadership performance* of Gen. J.A. Ankrah, Col. I.K. Acheampong, and Flt. Lt. J.J. Rawlings.

### **General J.A. Ankrah: 1966-1969**

Early in 1966, the political situation in Ghana grew complicated because Nkrumah’s grip on power seemed solid with a dictatorship that had very little resemblance with democratic governance. This led to his overthrow by the NLC, whose chairman was Lt. Gen. J.A. Ankrah. To win the confidence of the populace and the outside world, the NLC chaired by Lt. Gen. Ankrah affirmed Ghana’s commitment to international bodies such as the United Nations, the Organisation of African Unity, and the non-aligned family of nations. Thus, the military-police regime gained wider recognition though it had come to power through an undemocratic method (Petchenkine, 1993).

At home to justify the military intervention, the NLC took steps designed to relieve the people from the economic hardship, which prevailed towards the end of Nkrumah’s administration. Unlike the latter period of Nkrumah’s administration, Ankrah’s NLC brought freedom to the press and freedom of speech was largely restored (Buah, 1980, 1998). Again, all persons held in custody under the Preventive Detention Act of 1958 were released and traditional rulers who had been removed from office because of their overt demonstration against the government were restored to replace those installed apparently because of their loyalty to the government of the day.

According to Awoonor (1990), though the government saw the urgency of a new drive to promote agriculture and undertake other economic activities, the poor economic and fiscal policies the government adopted brought deterioration in the balance of payment for the country. This resulted in serious inflationary trends and increased hardship for most people. Thus, Awoonor asserts that half-way through the NLC administration; it became increasingly clear that the performance of the military-police government could not fully justify their removal of the previous government. In sum, even though the leadership qualities exhibited by Ankrah was *effective* and *disciplined* to some degree, he was seen later as a *transactional* and *autocratic leader* in the discharge of his administrative role.

### **Col. I.K. Acheampong: 1972-1978**

On 13<sup>th</sup> January 1972, Colonel Acheampong (later became General I.K. Acheampong) led a bloodless coup d’état that overthrew the democratically elected government of Dr. Busia and became the Head of State in Ghana. The main reason for staging the coup was the currency devaluations that were undertaken by the progress party under Dr. Busia’s regime.

His leadership attitude brought into the limelight the popular agricultural programme dubbed “Operation Feed Yourself”. According to Amamoo (2007), the programme caught on quite well with Ghanaians as backyard gardens began to attract the attention of even the urban dwellers and all categories of professionals. In 1975, the government launched the phase two of its programme “Operation Feed Your Industries”, as a follow-up to the Operation Feed Yourself. The emphasis was to produce selected industrial and cash crops such as rubber, sugarcane, cotton, groundnut and cashew among the likes for export (Amamoo, 2007).

To address the issue of the cedi devaluation which led to Busia’s overthrow, Pobee (1987) postulate that Acheampong revalued the cedi by 42.0% and removed surcharges on imports. In an effort to encourage farmers to produce more goods for export, he rewarded them with an increase in the producer price of cocoa from £8.00 to £10.00 per ton. Workers also had the benefit of the

repeal of the Industrial Relations (Amendment) Act, 1971 (Act 383), an increment in the minimum wage from £0.75 to £1.00 and the abolition of the National Development Levy.

Another major economic contribution made by General Acheampong was commissioning the Togo-Dahomey transmission line which made it possible for the two countries to enjoy electricity supply from the Akosombo hydro-electric dam (Pobee, 1987). To augment the power supply from Akosombo to meet the increasing demand for electricity, General Acheampong's National Redemption Council (NRC) proposed to construct Ghana's second hydro-electric dam. In the field of education, facilities were improved for elementary schools. This led to an increase in enrolment in 1972-73 by more than 38,500 over that of 1971-72. Another major policy implemented by General Acheampong was "*Operation Keep Right*". The changeover from driving on the left to the right which occurred in August 4, 1974. However, the leadership style of Acheampong was that of *authoritarian*. He refused to accept sound professional advice on economic and fiscal policies which led to awful inflationary figures under his regime as a result of rising budget deficit which stood at US \$154.9 million in 1974 and US\$781 million in 1977 (Amamoo, 2007).

### **Jerry John Rawlings: 1979-1992**

Jerry John Rawlings, Ghana's military leader since the December 31, 1981 coup until the transition into a Constitutional government in 1992, was a Flight Lieutenant in the Air Force and a militant populist when he led the first coup of June 4, 1979, that overthrew the regime of General Frederick Akuffo, who had, in turn, deposed his predecessor, General Acheampong in a palace coup. After the 1979 coup, Rawlings helped to restore the country to constitutional rule which brought Limann's administration into power. However, Rawlings staged another coup to overthrow Limann in 1981 where the country was plunged into another military regime that lasted till the fourth republic of 1992. According to Shillington (1992), Rawlings was convinced that after one year of the Akuffo regime, nothing had been changed and the coup amounted to a "waste of time" and "it was then up to him to change not only the status quo, but also to put the country back on track".

Adedeji (2001) argues that Rawlings, unlike many other leaders in Ghana's history, subsequently led the country through the difficult years of economic recovery. Chazan (1983) observed that without Rawlings' strength of character and unwavering determination, Ghana would not have survived the Economic Recovery Programmes (ERPs) of the 1980s put in place by the ruling Provisional National Defence Council (PNDC).

Rawlings also instituted a transition from authoritarianism to multi-party democracy by attempting to

decentralize the functions of government from the capital (Accra) to other parts of the country (Ayee, 1994, 1999). In fact, in the words of Shillington (1992), without the transformational leadership qualities exhibited by Rawlings in the 1980s, the shift in political ideology (a free market approach) would have led to tension by government and its previous allies, such as labour unions and student organisations.

In his book entitled, '*Staying Poor: Ghana's Political Economy, 1950-1990*', Rimmer (1992) observed that the radical left, including the militant sections of students, workers, soldiers as well as organized movements, such as the June Fourth Movement (JFM), New Democratic Movement (NDM) and the African Youth Movement (AYM), ascribed poor economic conditions in Ghana to exploitation by foreign capitalists who were assisted by a 'comprador bourgeoisie'. He asserts that they preferred direct national control of economic activities rather than Ghana's integration into an international market.

In theory, the process of political change started by Rawlings and the PNDC in 1982 was a "bottom-up" strategy to ensure the involvement of citizens in nation building. Thus, the leadership qualities (that is, effective, visionary and sometimes authoritarian) championed by Rawlings, coupled with both internal pressures (activities of civil societies and pressure groups) and external pressures (pressure from IMF), started a political system in Ghana that has lasted for more than two decades.

### **SUMMARY AND CONCLUSION**

The study established a conceptual framework of analysis for the objective variables used to fathom the phenomenon of administrative leadership performance. These variables are *personality*, *role*, *values* and *setting*. The study demonstrates the precise behaviour in the process of decision-making for six civilian and three military regimes. The civilian regimes were made up of Dr. Kwame Nkrumah, Dr. K.A. Busia, Dr. Hilla Limann, Flt. Lt. J.J. Rawlings, Mr. J. A. Kufuor and Prof. J. E. Atta Mills. However, the military leaders discussed in the study are Gen. J.A. Ankrah, Col. I.K. Acheampong and Flt. Lt. J.J. Rawlings.

It is worth concluding that the four dimensional framework namely personality, role, values and setting to some degree influenced the leadership style of the democratically elected leaders in Ghana. Their *personalities* has to do with who they are, their unique characteristics as well as those characteristics they have in common with others; their *roles* has to do with what they do and the part they played in Ghana's political journey; their *values* has to do with the ideals that they believed in and the *settings* has to do with their environment including the physical, economic, social and above all political, that had influences on them as leaders. This is obvious from the analysis of Flt. Lt. J.J.



Rawlings, Mr. J.A. Kufuor and Prof. J. E. Atta Mills to mention but a few. However, the study also acknowledged that the political context of a nation such as the challenges that face all political leaders (for instance the poor state of the economy, unemployment, among others), the neoliberal economic environment within which the leaders function, the culture as well as the media, may to a larger extent influence the leadership styles exhibited by a leader at a particular point in time.

Finally, a clear assessment of the analysis reveals the leadership styles of these leaders. Nkrumah began as a servant leader then to a democratically elected leader but finally ended an authoritarian leader. Busia began his administration as a democratic leader but exhibited vivid traces of authoritarianism towards the end. Limann's administration was democratic throughout shifting more towards laissez-faire at the end. Rawlings began as a servant leader, then to autocratic leadership and finally ended a democratically elected leader. Kuffour pursued democracy more vigorously than his predecessors, gearing towards transformational leadership at the end of his administration. The late Prof. Mills could be described as a servant leader and was largely considered a laissez-faire leader before his demise. The three military regimes of Ankrah, Acheampong and Rawlings were viewed as largely autocratic. Furthermore, we can ascertain that the regimes that were democratic have aided the country to at least maintain stability, accountability and transparency. One could argue that these democratic regimes created enabling environments for progress. More specifically, Nkrumah for instance, after he had been elected into power, finished projects such as the Akosombo dam which is still in use today, Limann was able to rekindle friendship relationships between the Ghana and neighbouring countries such as Nigeria, Kuffour introduced innovations in governance where he highlighted business and technology which helped to stabilize the economy for a greater part of his administration while Mills' administration was an epitome of welfare governance in Ghana where implementation of policies like the single-spine salary structure (initiated during the Kufuor administration) led to significant increments in salary of civil servants. This is not to say that the military regimes were entirely bad. For example, Acheampong showed glaring support for farming and agriculture in the country. With his 'Operation Feed Yourself', his administration ensured that food was in abundance in the country. Rawlings' Armed Forces Revolutionary Council (AFRC) regime demonstrated support for those at the grassroots where he fought for equality and transparency in the country. That notwithstanding, in comparison, the democratic regimes of the country were characterized by predictability and stability which created environments that were conducive for innovations and economic progress while the military regimes were to some extent characterized by chaos, violence and human rights abuses. The unpredictable nature of these military

regimes created tensions in the country. Thus, it is not far-fetched to say that based on this review, a democratically elected servant leader who exhibits attributes of transformational leadership could, to a large extent, bring progress to the country in terms of political, economic and social development. Hence, it is recommended that leaders undergo some form of seasoning and mentoring, and intensive coaching to be groomed over the years through party structures and other state institutions before taking up the leadership mantle of the nation Ghana an advice that can be stretched to apply to the entire African continent.

### Conflict of Interest

The author has not declared any conflict of interests.

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*Full Length Research Paper*

## The Writing as a condition of validity in the arbitration agreement in Tunisian legislation

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Received 6 May, 2013; Accepted 4 November, 2014

Nowadays, arbitration is required in the world of international trade as the normal mode of dispute settlement. Indeed, the development of the business world and the intensification of global trade have contributed to the emergence of several conflicts between international traders, these conflicts are amplified with different cultures, mentalities and especially international legislation. The arbitration was then the best remedy since it is the justice that best suits the needs of traders. The private mode of dispute settlement offers them a certain serenity, to the extent that it has significant advantages. Arbitration is in fact a flexible way, confidential, fast and reasonably expensive. In addition, the technical qualifications of arbitrators and their specific vision of litigation are two factors that ensure the warring parties a satisfactory solution to the disagreement, leaving the door open to continuing business relationships.

**Key words:** Arbitration , Agreement clause, Tunisian legislation

### INTRODUCTION

Nowadays, arbitration is required in the world of international trade as the normal mode of dispute settlement. Indeed, the development of the business world and the intensification of global trade have contributed to the emergence of several conflicts between international traders, these conflicts are amplified with different cultures, mentalities and especially international legislation (Mezghani, 1981). Therefore, it is legitimate to ask: To what extent the validity of the arbitration agreement stands does the legal regime of validity of the

agreements in general. The arbitration was then the best remedy since it is the justice best suits the needs of traders (David, 1982). The private mode of dispute settlement offers them certain serenity, to the extent that it has significant advantages. Arbitration is in fact a flexible way, confidential, fast and reasonably expensive. This expansion of arbitration in economic life has given rise to a number of problems including the impossibility of establishing a clear and precise definition (Jarrosson, 1987). Indeed, the mere definition of arbitration as a

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private mode of dispute resolution will not answer to what it is today. Arbitration is not as simple and as fast as was thought to be. Each component has in fact attracted a number of issues and led to the solving of serious controversy between the authors, practitioners, legislators and judges. This is the problem concerning the arbitrability of the dispute, enforcement of foreign arbitral awards, or especially the validity of the arbitration agreement in our study. The legislature has defined the arbitration agreement within Article 2 CA as "the commitment of parties to settle by arbitration all, or certain disputes arising or which may arise between them concerning a particular legal relationship, contractual or not. The arbitration agreement takes the form of an arbitration clause or that of compromise". Article 3 of the code defines the arbitration clause as "the commitment of parties to a contract, to submit to arbitration, disputes that may arise from this contract." The compromise under the terms of article 4 of Code of Arbitration (CA), is "the commitment by which parties to a dispute already born, submit the dispute to an arbitral tribunal". In addition, the French parliament and after the reform it has adopted with regard to arbitration by the decree of January 13, 2011, defined the arbitration agreement within Article 1442 NCPC, which states: "The arbitration agreement takes the form of an arbitration agreement or compromise (De Boisseson, 1990). The arbitration clause is an agreement whereby the parties to a contract or contracts agree to submit to arbitration any dispute which may arise regarding this or these contracts. Compromise is an agreement by which parties to a dispute arising submit it to arbitration".

In fact, when we talk about validity, we refer to the set of formal requirements and background necessary for the formation of any legal act. The idea of submitting to arbitration has become a common practice now usual in most legal systems. In reality, this development experienced arbitration was strongly related to the validity of its contractual support what the arbitration agreement, because the latter is in fact the sole support of arbitration and the only manifestation the parties' willingness to use them to settle their disputes or potential, is in the absence of such agreement that arbitration will be more effective. First, the arbitrators' jurisdiction is inevitably based on the validity of the arbitration agreement. Moreover, even if made, the arbitral tribunal may make an award binding only on the basis of an agreement effective and void of defects that can mar the, if the sentence will be attackable. As a result, the validity of the arbitration system depends essentially that of the arbitration agreement, it is for this reason that the challenge to the effectiveness of the latter was the main reason that may advance a portion of bad faith to escape the performance of its obligations. As a methodology, we opt to examine the validity of the arbitration agreement. As a first condition, we examine the Writing as a condition of

validity of the compromise. Then, in comparing Tunisian legislation with comparative one, we conclude, as a result, that Writing is a condition of validity of the arbitration clause and not only the compromise.

## MATERIALS AND METHODS

The study of the legal regime of the arbitration agreement allows us to affirm that there are no specifics primarily as to its validity compared to other conventions. The arbitration agreement must therefore satisfy the conditions of validity common to any legal act. Moreover, the arbitration agreement is in essence a contract between two or more parties to submit disputes which have arisen or may arise from a main contract to a private justice that is arbitration. The arbitration agreement is the sole support of arbitration and the only manifestation of the will of the parties to resort to this method of private dispute resolution, this is why it must satisfy the conditions of validity common to any legal document so that it becomes fully enforceable and that its effectiveness is questioned. The arbitration agreement is not a convention like any other. The parties submit to the decision to advance to third, who tell how their contract was to be changed, how their disputes should be resolved. It is conceivable that such agreement is permitted and sanctioned by law, but it is natural to admit that it is required that both persons have expressed unequivocally their will to submit to arbitration and have clarified be sufficient and the terms of the arbitration to intervene. Recognition of the arbitrators' decision implies that it has an indisputable basis, It is for this reason that most legal systems require that the arbitration agreement must be in writing so that it is valid.

We prefer to discuss the fact that Writing is a condition of validity of the compromise. In this direction, It seems that in many national laws, the distinction between the arbitration clause, relating to possible disagreements, and compromises on questions already existing, is often necessary. The compromise is defined as "the act by which the parties affirm their desire to escape the ordinary courts the dispute that divides them, and by which they specify the conditions under which they intend to settle this dispute described therein by the arbitrator or arbitrators designated therein" (Jarrosson, 1992). In most legal systems, which do not rule the principle of freedom of form, the writing was required for the validity of the compromise. The legislature as well as other national rights has chosen this solution in terms of national arbitration. In contemplating the Tunisian Code of Arbitration, we observe that before its promulgation in 1993, the legislature has spoken of compromise within section 261 of the 1959 CPCC that "the compromise cannot be established in writing." This form requirement was still retained in the Code of Arbitration within Article 17 in Chapter 2 relating to national arbitration, under which "the arbitration agreement shall, on pain of nullity, indicate the in dispute, the names of referees, expressly or precise enough, for there remain no doubt as to their individuality"(Meziou and Mezghani, 1993). We notice that after having said in the CPCC that the compromise cannot be established in writing, the Tunisian legislature says in the Code of Arbitration that certain information must, under penalty of nullity, be included in the arbitration agreement, unlike the two formulas, it is not fortuitous. Now, the writing is required for the validity of the compromise. It should be noted that the Arabic text of Article 17 of the Code speaks of compromise, which is the Arabic version which reflects the legislative intent. In addition, as provided in Article 17 of the Code of Arbitration compromise must contain certain particulars without which there will be zero, the subject matter and the names of referees.

The requirement for designation of the subject matter is perfectly compatible with the nature of the compromise that is seen by assumption when the dispute arose. It would then be possible for parties in conflict to designate the nature of the dispute that has arisen, failure to indicate the object in the compromise will void it. The second statement required by Tunisian law on pain of nullity, is the appointment of arbitrators in the compromise. While Article 17 speaks of a CA designation of "referees" in the plural in referring to this conventional system which appoints an arbitrator for each party, then a third arbitrator in case of equality, there is no reason in fact that the parties agree on the name of one arbitrator, and that alone should figure in the compromise. This would not for that void. There should be no ambiguity on the fact that this is a nomination of an arbitrator, even if the value of compromise will be affected. In fact, it only exists if there is a dispute, and if the parties agree to settle for one or more arbitrators of their choice. In the absence of such references, the agreement reached in such cases could be an agreement for appraisal, transaction, or any other contract, but not a compromise. The legislature has sanctioned the absence of appointment of arbitrators by the nullity of the compromise. The same penalty may be applied also when the arbitrator or arbitrators designated, lack capacity. Indeed, it is inconceivable that a person whose capacity is void perform the duties of an arbitrator. However, there are parties who would have nominated such arbitrators to make a new compromise, if they intend to pursue the arbitration proceedings. It should finally be noted that when the arbitrator appointed may be dismissed by reason of its relationship with one party or the personal interest he has in dispute or the affairs of a party, the invalidity could be joined to his designation is relative, and may be covered by ratification. This statement can be drawn to the provisions of Article 20 CA which states that "the arbitral tribunal dissolves, after the death, incapacity, refusal, the withdrawal or revocation of the arbitrator or the one of the referees.

For the comparative, many legal systems have required the written form for the validity of the compromise. The definition of these terms is so obvious and of great interest. Indeed, the arbitration agreement is the only manifestation of the parties' agreement to settle their disputes, arisen or may arise following the execution of a prime contract, by arbitration. It is actually the centerpiece of the start of any arbitration, whether national or international. As a result, the arbitration agreement may take the form of an arbitration agreement or compromise. The arbitration clause is the contractual clause whereby the parties, by their signature and before any dispute, agree that disputes will arise eventually and that some of them are subject to arbitration. However, the compromise means an agreement necessarily written, by which parties to a dispute that has already emerged; agree to submit to one or more arbitrators of their choice. These would include the socialist countries where the writing is always necessary as valid when one party is a public company. This solution is applicable also to certain rights under which the compromise can be made in the form of a deed such as Spain, Portugal, Colombia, Mexico, Peru. Other countries simply a private act, it is the case of Latin America, Argentina, Chile to the equator, Panama. In Colombia, if compromise is not made by deed, it must be in writing signed by the parties and a qualified lawyer. A similar rule is in Texas, where compromise must be signed not only by the parties, but also by their legal advisers. Moroccan law has also dedicated this formal requirement for the validity of the compromise, and this, in section 307 of the former Code of Civil Procedure. It is the same for Lebanese lawmakers (Article 765 CPC Lebanese), and Algeria (Article 458 bis 1, al2, CPC) who have chosen this solution as well. French law also, and after the reform it has suffered by the decree of January, 2011, issued a regulation unitary form of compromise and arbitration, while having in the art 1443 CPC that the arbitration agreement is written to be valid. That was

not his position under the former CPC which states in Article 1449 on the compromises that it must be in writing. This article may be understood as a rule of evidence, and not as a condition of validity. In turn, the Egyptian legislature has required the writing for the validity of the arbitration agreement within article 12 of Law No: 27 of 1994 on Arbitration in Civil and Commercial Matters. The article states: "on pain of invalidity of arbitration agreement must be written. It is renowned as if included in a writing signed by both parties, or in letters, telegrams or other means of written communication exchanged between them. "Of course, the term arbitration agreement used by the Egyptian legislature is a term generic encompasses both the arbitration agreement and compromise. In addition and as already seen in the Tunisian legal system, the writing must contain a minimum of references, without which, the compromise will be zero. It must specify clearly the opposition which will be submitted to the arbitrators, and certain rights law requires that such distinction is very accurate. In many rights, you must disclose the names of the arbitrators, or at least providing for their designation. Under Moroccan law, and according to the provisions of the article 309 of the former CPC, the parties must under penalty of nullity designate within their compromise in dispute and the names of referees. This accuracy has become a burden on arbitration, it is for this reason that the new text has carefully avoided repeating those particulars cumbersome while providing that the compromise must, on pain of nullity determine the subject matter, and appoint the arbitral tribunal or providing for the appointment. Many other points require the other to be specified in the compromise, as the place of arbitration, the period within which the arbitrators must make their decision, the powers given to arbitrators, certain rules of procedures. In contrast, several other legal systems are not favorable to the formalism of validity in terms of the compromise, and require the written merely as a means of proof. It cites as an example the case of Belgium, Italy, England etc. In these countries, plays a role written evidence. Formalism is excluded, it is not necessary therefore that a special act to be trained to observe the parties' agreement, the compromise may even result from a simple exchange of letters. In general, it is required as valid or as a means of proof, the writing requirement in terms of the compromise is perfectly logical, since one cannot imagine that everything could be settled without writing. This requirement is the same wide application in terms of the arbitration clause.

## RESULTS

In our first result, after studying several juridical texts, it is concluded that writing is a condition of validity of the arbitration clause. In fact, arbitration clause is defined as a clause in a commercial or civil contract, or a document to which it refers; and in which the parties thereto state that all disputes will be resolved by arbitration born out of the execution or interpretation of this contract. We deduce that the arbitration clause may be inserted in a contract from the bottom, or in a document to which it refers, the latter type of clause is called arbitration clause by reference. In several legal systems, the written form was required for the validity of the arbitration clause in the prime contract and that of the arbitration clause by reference. As a first feature, we state the arbitration clause in a main contract: the interest of the arbitration clause appears at first glance like an opportunity to further arbitration. Similarly, there is no doubt that in trade

relations, the arbitration clause is an element of ease, sometimes security. However, we must recognize that the arbitration clause rises, regarding the parties' consent, much harder than the compromise. Indeed the person who signs a compromise knows in advance that he is about to be involved, this is not the case when it comes to an arbitration clause that may go unnoticed in the main contract that contains it. It is only when a dispute occurs that parties become interested in the arbitration clause. This situation is seriously serious that when a party who, to escape the arbitration proceedings, raises it did not really consent to arbitration. To cope with this kind of delaying tactics and leave no doubt of its existence, it has been arranged in several legal systems that the arbitration clause must, on pain of nullity, be expressed in writing in the main contract. Indeed, the French legislature, and under the influence of the French Civil Code, required in the 1443 Art on national arbitration, the arbitration clause must on pain of nullity be expressed in writing in the main convention. After the reform of 13 January, 2011, the requirement of written form for the validity of the arbitration clause still persists. This is what can be learned from the provisions of the article 1443 NCPC who speaks both of the arbitration agreement and compromise, and which states that the arbitration agreement shall, on pain of nullity, be made in writing. It is the same for the old Moroccan legislation on arbitration, which requires the handwritten mention of the arbitration clause whenever the proceedings related to commercial contracts. This solution is taken from former section 309 CPC Moroccan enacts that "under penalty of nullity, the arbitration clause must be written by hand and specially approved by the parties". In the new Article 317 CPC, Morocco had missed this requirement. Now, the arbitration clause is valid when it is stipulated in writing, in the main agreement or in a document to which it refers. It's the same for the Lebanese legislature, which requires him the other in writing to the validity of the arbitration clause (El Ahdab, 1996). This is what can be learned from the provisions of article 763 of Lebanese CPC, which states that "the arbitration clause which will be valid if it is stipulated in writing in the main contract". This is true also of Egyptian and Algerian legislators. Regarding the Tunisian legislature, we can say that he does not spend the formalism for the validity of the arbitration clause. This is what can be learned from the provisions of the article 6 which provides that the CA arbitration agreement can't be established in writing, either by deed or by act under private agreement or even by trial - oral hearing or report prepared with the arbitral tribunal selected. The article does not expect the absence of written incur the invalidity of the arbitration agreement, indicating that the written form is required only as a simple means of proof.

The legislature also embodies the concept of the clause be deemed made in writing in paragraph 2 of that

article that "the arbitration agreement is deemed to be in writing, when contained in a document signed by the parties or in an exchange of letters, telex, telegrams or other means of communications which attest the existence, or, in the exchange of statements of claim and a defense, in which the existence of an arbitration agreement is alleged by one party and not denied by another. "Moreover, the arbitration clause must contain certain information in order to be valid. It cites as examples the CPC sections 763 and 1443 Lebanese NCPC French that require the arbitration clause must include under penalty of nullity, the appointment of the arbitrator or arbitrators in their person or their quality, or determining how to identify them (Fouchard et al., 1996; Boy et al., 1999; Chedly, 2001; Mezger, 1948; Ouerfelli, 2010; Robert, 1967). It is noteworthy in this context that the requirement for designation of the subject matter and the name or names of arbitrators in the arbitration clause is illogical, since it is hard to see that the contracting parties know in advance the exact nature of the litigation that will occur and the names of arbitrators who will be designated in future. Such a reference is likely to increase the arbitration proceedings and therefore reduce and weaken the effectiveness of any institution of arbitration. For this reason, it would be preferable to reduce the rigidity of the formalism adopted in arbitration. The arbitration clause by reference is in fact a sort of mitigation of this formalism, but the writing is still required for its validity.

As a second observation, we mention *the arbitration clause by reference as another implication in this direction*. In general, we speak of the arbitration clause by reference, when the parties do not formalize in detail the terms of their agreement and are content to refer to pre-existing documents. The arbitration clause by reference is not contained in the contract dispute, but inserted either in general or in another document to which the contract giving rise to the dispute is referred to. Many national laws have required the writing on the arbitration clause by reference, are cited as an example the French law of national arbitration, which provides in article 1443 NCPC that: "On pain of nullity, the arbitration agreement is written. It can result from an exchange of documents, or document to which reference is made in the master agreement".

This formal requirement existed before reform of 2011, in the same article which provides that "the arbitration clause must, on pain of nullity, be expressed in writing in the main agreement or in a document to which it refers. Similarly, the Moroccan legislature adopted this solution in section 313 paragraph 3 of the CPC (Code of Civil Procedures) provides that any reference to a document containing the arbitration clause is considered an arbitration agreement in writing if clearly states that the clause is part of the contract. This is true also of Lebanese legislator in article 763 CPC, under which "the

arbitration clause is valid only if it is stipulated in writing in the prime contract in a document to which it refers".

The legislature has also dedicated this solution within the CA article 6 which provides that: "the reference in a contract, a document containing an arbitration clause constitutes an arbitration agreement, provided that the contract is established writing, and that the reference is such as to make that clause part of the contract". As a result, the written form is required for the main contract in which the arbitration clause is included; it must be clear and plain. The requirement of a clear mention of the reference is strongly supported as it is in fact the only manifestation of the will of the parties to resort to arbitration to settle any disputes. Internationally, the question of the validity of the arbitration clause by reference was referred in Case BOMAR-OIL/ETAP which pitted a Tunisian company to a Dutch company ETAP. Among the difficulties that prompted this case was whether the writing requirement should apply to both the contract to which the arbitration clause refers to the reference itself?

Some authors admit a general reference only, others required the written reference (Nammour, 2005). The case BOMAR-OIL did likewise subject to common law, and was decided by the decision in favor of consensus. In conclusion, we must not fail to note that the notion of the arbitration clause by reference is a kind of attenuation of the rigidity of the formalism adopted in arbitration. Indeed the development of business and the speed of transactions assumed ease of access to arbitration has become the normal and ordinary for the settlement of disputes that may arise between traders, it is for this reason that it was sufficient to refer to a contract or pre-existing documents containing an arbitration clause to found the jurisdiction of the arbitral tribunal (Nathalie, 2004). Therefore, it would be preferable to revise this formalism adopted in national arbitration and merely require certain basic conditions are in fact the base and the "heart" of any arbitration agreement.

## Conclusion

The arbitration agreement is the commitment of the parties to a contract to settle by arbitration disputes arising or which may be born after the execution or interpretation of this agreement. It can therefore take the form either of a compromise on questions already existing or in the form of an arbitration clause for disputes can be born in the future. With respect and a commitment between two or more parties, the arbitration agreement is a contract, which, legally, is in the general rules on the validity of the agreements, it must meet certain of these fact legal requirements to be fully enforceable and produce the effects desired by the parties to the agreement. It's for this reason that the arbitration

agreement must meet certain formal and substantive for it to be valid. Indeed, some jurisdictions require that it should be void take the form of writing. The legislature has not adopted this solution did not require writing as a means of proof. In addition, the consent to arbitration must come from a person or entity can legally and in accordance with the law to compromise. Moreover, the arbitration agreement must concern matters authorized by law, and which do not affect public policy or international. Once these conditions are met, the arbitration agreement is valid and enforceable mainly.

## ABBREVIATION

**CPCC:** Code of Civil and Commercial Procedures, **CA:** Code of Arbitration, **CPC:** Code of Civil Procedures

## Conflict of Interests

The author has not declared any conflict of interests.

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*Full Length Research Paper*

# The promise of regional projects for Africa's landlocked countries: Focusing on Ethiopia

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Received 10 December, 2012; Accepted 25 December, 2014

**Landlocked countries face significant development challenge merely from their geopolitical position. This is magnificent specifically in terms of their access to the sea. However, some argue that regional arrangements can be promising in solving at least such specific challenge in their development endeavor. In this context, this article reviews real and potential challenges and prospects Ethiopia has to deal with at three levels: domestic, regional, and international levels. Thus, by relying on secondary data sources and qualitative research method, it highlights the major concerns and developments in the Horn of Africa by focusing on IGAD and COMESA and how different factors at different levels interact to work against or for the success of such projects. Approaching the issue from this angle, it argues that despite the challenges that seem distinct in this specific region, there is new development in this regard that seems promising. However, the sustainability of even this relative success is still dependent on the proper coordination of the dominant actors at all levels than the unilateral commitment of specific state in the region.**

**Key words:** Landlocked countries, regional projects, regional integration.

## INTRODUCTION

Ethiopia is currently the most populous landlocked country in the world (Dehez, 2008). Concerning the general situation of the state, the current foreign policy of Ethiopia maintains, "[t]here can be no doubt that the attainment of speedy economic development, democratization and peace is fundamental to the survival of our country which finds itself in a state of object poverty and backwardness" (MOI, 2002:1) However, the relationship between being landlocked and the level of development in general remains a controversial subject. For example, Mackellar et al. (2000:1) argue "[t]hirty years ago,

blaming problems of economic underdevelopment on geography (or climate) would likely have led to accusations of environmental determinism." Whatever the case, being landlocked matters, as it has dramatic effect on countries rate of growth in most cases as opposed to the cases of Switzerland and some developed countries.

Conversely, most authors agree that there are different options for landlocked countries to solve their peculiar problems. For example, the recent study conducted by ECA acknowledges that being landlocked is a major obstacle, especially in Africa's context. However, it

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continues to argue that: “[Landlockedness] is not destiny. There are practical solutions to many of these problems, including comprehensive approaches to transit corridors, regional integration efforts, legal and regulatory reforms and institutional and administrative overhauls.” (2010:242).

Similarly, Faye et al. (2004:49-52) list down the possible way forward for landlocked developing countries. These include particular emphasis on developing the internal transportation infrastructure, regional integration strategies, and focusing on sectors less dependent on transport costs like development of service industries. This also seems in line with the broader categories made by Mackellar et al. (2000:5-6) on the policy implications emanating from neo-classical and endogenous growth theories respectively. The former’s policy prescriptions revolve around solving transportation problems, while the latter tends to focus on shifting sectors to high- tech and service industries.

However, this study is limited to explore whether regional integration efforts can solve the problems of Africa’s landlocked states with specific focus on Ethiopia. It attempts to do so by looking the process within the general post cold war global environment. In this regard, Yang and Gupta (2007:400) point to the renewed push (both in scope and in depth) in recent years as occurring “against the back drop of increasing regionalism worldwide.” In short, it is within this broader context that they argue there is positive relationship between these regional trade arrangements and the interest of especially Africa’s landlocked countries to get access to the sea.

## METHODS AND APPROACH

The primary method employed in this paper is based on deductive approach, as it primarily aims at exploring how regional projects can solve the stated problem based on ‘National interest Model’. As such, it employs a qualitative research method depending on secondary data. Generally, these include books, journals, conference proceedings, magazines, official policy documents, and other relevant unpublished materials both from institutional and individual sources. Then, objective and meticulous analysis follows based on these diverse sources with different points of view on the subject under study.

Over all, this is approached from two angles based on states as focal point. Primarily, it focuses on some peculiar conditions of the region, as this is the actual environment where the project is supposed to function. Then, as any effort in regional integration is heavily influenced by international/global environment, it re-considers the regional efforts within this broader system. However, the central focus of the analysis at all levels is the state; because it assumes that they continue as the major actor even within the contemporary diversified actors at different levels. Finally, this can be also better understood by considering both continuities and changes at all levels with all their manifestations.

Theoretically, it is also based on a ‘National interest model of integration’ as developed by Duffy and Feld. In short this is based on the national interest of the ‘chief actor’-the state in particular (Duffy and Feld, 1980:509). According to this model, regional integration from its lowest form to the highest form is seen from the nation’s foreign policy goals. The significance of this approach rests

on its concern with ‘intervening variables’ at three levels of analysis: internal- state, systemic- region, and macro systemic- global system (Duffy and Feld, 1980:510-13). Expanding the concern to the broader approach, Jervis (1999) reflects on the current misunderstandings on explaining the causes of Realists and Neo-liberal institutionalists. In short he dismisses the tendency to look at the former as institutional pessimists and the later as institutional optimists. Rather, in line with Duffy and Feld (1980:55-62), he stresses on states’ goals. Generally, it is based on this assumption that he identifies three kinds of institutions in this regard. These are institutions such as: standard tools, innovative tools, and as causes of changes in values.

On the other hand, some still focus on the profound changes this process may imply. For example, Lindberg and Scheingold (1970:iv) argue that the initiative of this project in Europe has “pioneered striking departure from both the goals and methods typically pursued by states.” They further argue this may have a substantial impact on their domestic politics and the world at large. Whatever the case, even the experiences of the most successful regional integration efforts in the contemporary world-EU, witnesses both the changes and continuities as Moravcsik (2010:27) points: “The EU is succeeding because its policies are not based on idealism but on the recognition that a union of diverse nation can find realistic ways to work together”.

Accordingly, this study primarily follows this approach in identifying the situations under study at all levels. Then, Deutsch’s Communication theory seems important to complement the primary approach, at least to understand the diverse explanations of the situation in this information age (Hettne, 2003). Moreover, it has also considerable explanatory power to understand domestic realities on which our primary approach must be based. However, this is not to mean this is the approach that gained acceptance without any challenge. Especially, in recent decades some writers aggressively argue that the demise of state is real; let alone the agreement on the meaning of national interest (Ohmae, 1995; Beck, 2003). On balance, the position held here is that still state and national interest is crucial determinant, although in more complicated form and under different power relations.

## FINDINGS AND DISCUSSION

### *Overview of Africa’s records in regional integrations*

To begin with the general African context, it is paradox that largely African efforts in regional integration are still weak despite its status as “a pioneer of regional integration” (Yang and Gupta, 2007:400). The major challenges to establish successful regional integration in Africa begins with the lack of some background conditions. Generally, these include mutual relevance of the units, compatibility of values and some joint rewards, mutual responsiveness, and common identity or loyalty (Deutsch, 1978). Most of these can be also related to the colonial history and the nature of state formation by itself. Again, the irony is that some of the regional integration initiatives also traced their origins to the colonial powers; including SACU, which was established in 1910 (Yang and Gupta, 2007). Of course, the fact that most transportation routes were developed to connect colonies to port remains a point of major criticism as opposed to the present efforts to have this access in various ways.

Concerning the contemporary realities, one major

problem for successful regional integration is the duplication of these efforts and the overlapping membership. This is in short the situation dubbed 'African galaxy', while in reality, most of them remain weak. In sum, these problems revolve around both the design and implementation of these initiatives. Therefore, as most authors argue, the solution to the contemporary challenges of Africa's regional integration efforts may be better looked at in closing the gap between political rhetoric and actual implementation (For example, Alemayehu and Haile, 2003; Mistry, 2000).

Beyond these difficulties, the more recent revival of interest to deepen regional integration efforts may help to solve the vulnerability of Africa's land locked countries. For example, the recent 'Almaty programme of Action', can be seen as promising for Africa's landlocked countries. However, the role of Africa's regional organizations in this effort must be conceived within the general "global framework" as can be seen from the role allotted to them. Specifically, this was when African landlocked and transit countries met in June 2008, in Addis Ababa to review the progress of UNS 'Almaty Programme of Action' (UNECA, 2010). Overall, whether or not this initiative can be mainly attributed to these regional organizations, a number of trade transit corridors have been developing across the continent with varying degrees of success. Therefore, it is safe to conclude that these regional institutions are also important actors; at least in implementation of these projects.

### ***IGAD and COMESA Vs Ethiopia's Prospect to Access Regional Ports***

Until very recently, IGAD was heavily preoccupied with matters of security despite its broader mandate from the outset. However, even within this specific area its record has been mixed. The major reason for the weakness of IGAD to perform effectively its mandate is undoubtedly the nature of relationship among member states (Sarbo, 2010). Generally, Ethiopia seems to have more influence compared to other members in influencing IGAD. Beyond different arguments for and against this conclusion, the conformity between Ethiopia's reading of the region and the overwhelming pre-occupation of IGAD on peace and security is another important indicator.

Conversely, COMESA is the organization with more economic orientation. However, the tendency of Ethiopia, and generally other horn states, to be marginalized even within this broader region is one problem (AfDB, 2009). In principle, the policy of Ethiopia towards other African integration efforts including COMESA is to support them fully. However, the justification for such moves seems weak at least in short term. For example, it claims '[i]rrespective of the opportunities that may or may not be available for development, Ethiopia should support the establishment of strong economic ties, given the obvious

long term advantages." (MOI, 2002:110). However, in practice the prevalence of concern on revenue loss is evident like it is the case in most African states.

Over all it is difficult to think of the possibility of having access to regional ports by Ethiopia with in such arrangements until recently. Therefore, Ethiopia's approach has been largely to secure port access through bilateral relations with Djibouti. However, there are also some indicators to move beyond this approach at least to port services. For example, the policy document refers to past experiences on the problem of bilateral agreements with Eritrea. Then, looking to the future, it stresses the need for international arrangements if there is possibility to use Eritrea's ports again in the long term. However, still it is not clear on the precise form of this "new type of port utilization agreement" that is "internationally guaranteed" (Mol, 2002:7). Moreover, the later developments that led to Eritrea's withdrawal from IGAD in 2006 (Ewing, 2008) may also pose another challenge to this new approach.

Whatever the case, it is just after only a year of the publication of the policy that U.N came up with 'Almaty program of Action' in 2003 (UNECA, 2010). The general objective of this program is to solve the problems of less developing land locked countries within the 'global framework' (UNECA, 2010:243). In this chain, one can reconsider the early skepticism on the role of regional organizations before the meeting of Africa's landlocked and transit countries in 2008.

Subsequently, after evolving from IGADD to IGAD, after over twenty years, and exactly at the time its EWARN is being criticized as "lacked strategic direction" (Burgess, 2009:109), IGAD declared slightly: "[the IGAD strategic plan for 2009-2013] aims at repositioning IGAD as a development institution in the Horn of Africa through regional integration" (IGAD, 2009:11). In addition, this new departure has indicated indirectly that it is still at a very early stage, and its pre occupation with security matters was not only outsiders' criticism:

[The plan] aims, among others, at establishing a free trade zone in the region that would strengthen IGAD to effectively extend its programmes to other areas like trade, infrastructural development, information communication technology (ICT), development of social affairs and macro-economic convergence." (IGAD, 2009:11)

Generally, after this 'newly acquired identity, one important decision on this most relevant subject is the approval of the proposal on 'priority projects' in regional transport inter connectivity in 2009. In parallel, similar developments are also underway by COMESA. Accordingly, IGAD's new plan declares, "since all members of IGAD are also members of COMESA, the plan underscored the importance of working in collaboration with other RECs" (IGAD, 2009). However, still, whether these projects are entirely related to this

new commitment of IGAD and COMESA is questionable. For example, the Kenya-Ethiopia project is now already in its second phase. Whatever the case, beyond these continuities in some respects, what is clear now is the new tendency to approach the issue at regional scale.

Therefore, it is safe to conclude that the current status of formal integration in the region has moved one step ahead in terms of providing option for landlocked states. However, the following specific example in this regard clearly demonstrates both the continuity of prominent role of member states and the change in terms of RECs engagement. This is implementation arrangements of 'Mombasa Nairobi-Addis Ababa Road Corridor project phase II' (AfDB, 2009).

Generally, this arrangement laid down three executing agencies for the implementation of this project. The first is "the executing agency and the components of the project" located in respective jurisdictions of these countries (AfDB, 2009:12). Here, the major authority rests on the relevant national authorities of both countries that reflect the continuing role of national authorities. Moreover, the specific motivations of both countries reflect how each country perceives its national interest within such projects. "For Kenya, the project will improve access to Northern Kenya and enhance integration with the rest of the country." On the other hand, "[f]or Ethiopia, the road will also provide a cost effective alternative out let to the sea" (AfDB, 2009:18).

Beyond this division of labor and particular motivations, it is in the second arrangement that one can see clear regional approach. In this regard, it provides a joint regional project coordination committee (RPCC). Here, representatives of IGAD and COMESA are included as members to enhance close cooperation and cross-border coordination "for the project to achieve its long term development impacts" (AfDB, 2009:13). However, higher officials of both states co-chaired this arrangement as well. Finally, the third arrangement is concerned with "aid harmonization" and the issues of governance that involves actors beyond the region (AfDB, 2009).

Briefly, more recently IGAD and COMESA seem to acquire new mandate to play active role in transport facilitation, both individually and in cooperation. However, the continued prominent role of individual states also demonstrates the enduring relevance of national interests to affect regional integration efforts. Whatever the case, the recent trends in formal integration efforts indicate the growing promise of regional integration efforts to provide another opportunity for the region's landlocked countries like Ethiopia to have new option to access high sea.

### ***Ethiopia and the Horn of Africa within global/international context***

As this is the region with our specific interest, it deserves more attention. Accordingly, in addition to reflecting on

the major trends, this section attempts to reconsider the contemporary developments based on some emerging explanations. To begin with, there is no consensus among different authors on the nature, scope, and implications of colonialism on the Horn of Africa. This is especially true regarding Ethiopia. While some tend to focus on changes exclusively, others continue to stick on continuities (Asafa, 2004; Teshale, 1995; Holcomb and Sisai, 1990). However, it is important to balance this approaches. In short, the legacy of the past is real and inescapable as it manifests itself in different ways that needs to be viewed against the changes at different levels of international or global system.

This is mainly required because of two major reasons. First, it is based on states as a unit of analysis and driving force in regional integration. In this regard, there seems no dispute among most authors on 'colonialism as state maker' in modern sense. Second, the History of Ethiopia as landlocked country is closely connected to colonial period transactions. In other words, it was during this period that Ethiopia took exactly its current geographic form as a landlocked country. Similarly, Ethiopia's rail link to the then French Colony of Djibouti was established in parallel (Work, 1935).

Turning to the major implications of this major historical even, it is often cited that the nature of emerging boundaries, social and political relations at different levels have disrupted the natural economic and cultural situations of the region in one way or another (Belachew, 2009). However, it is also important not to exclude the legacy of the long standing conflicts based on religion resources, identity, or power in general. So, it is valid to conclude that the present conditions of the region are the cumulative effect of multidimensional interactions at different levels. However, different interpretations of these experiences remain the major source of obstructions for significant constructive cooperation in the region so far. In parallel, it is also important to note the impact of continuing role of external powers with often competing or/and conflicting interests in subtle ways.

To reflect on the more recent regional context, it is important to begin with the contemporary observations of some scholars. With the demise of the bipolar international order, there is diverging views on the contemporary world order. However, generally they revolve around the unipolar moment of the United States and the multipolar world order (Nye, 1968; Dehez, 2008; Shaw, 2000). Beyond this, in more recent years some also extend to argue that 'other' new form of world order is emerging. For example, Haass (2008) argues for 'non polarity' as the emerging world order. Similarly, Zakaria (2008) argues that the present state of the world in general and the position of US in particular are changing in significant ways.

Regarding the specific nature of these changes, Buzan (2003) argues that the contemporary world can be seen within the major competition/ ideological 'war' around the

world among the three main economic grouping. Generally, these include EU, NAFTA, and the emerging East Asian block embodied with different value orientations and levels of institutionalization. On the other hand, expanding the concern to the broader international environment, even traditional realists like H. Kissinger also propose for the need of new international system. Accordingly, he singles out two “unprecedented Sources” of the contemporary security challenges (Kissinger, 2004:39). In his own words, these are:

terror caused by acts until recently considered a matter for internal police forces rather than international policy, and scientific advances and proliferation that allow the survival of countries to be threatened by developments entirely within another states territory (Kissinger, 2004:38)

Based on this, he recommends that the U.S “have to lead an effort to define and then maintain an international system that reflects the new revolutionary circumstances” (Kissinger, 2004:38). However, the precise nature and magnitude of this role is lacking in the above proposal. Then one may consider it against the following remarks by Zakaria. First by pointing to the ‘rise of the rest’, he argues that this reality “ensures America a vital, though different role”. This is explained as follows:

American influence is strengthened by the growth of dominant regional powers. These factors are often noted in discussions of Asia, but it is true of many other spots on the globe as well. The process will not be mechanical. As one of these countries rises (China), it will not produce a clockwork-like balancing dynamic where its neighbor (India) will seek a formal alliance with the United States. Today's world is more complicated than that. But these rivalries do give the United States an opportunity to play a large and constructive role at the center of the global order (Zakaria, 2008:233).

The major themes of these explanations also conform with the other dimension of this trend that focus on the growing roles of civil society (Clark, 2003). In other words Zakaria's explanations on what it takes to be ‘the global broker’ in today's world- involving both the government and the society in setting the agenda, defining the issues and mobilizing coalitions as the major source of power (2008:234) may also better explain the current era.

Then, based on the above emerging explanations, it helps to reconsider the new dynamics in the Horn of Africa by using two specific examples. The case of Sudan is obviously becoming one battle ground for the contemporary dominant powers. On one hand, the U.S is interested in Sudan by suspecting it as supporter of terrorists including Al-Qaida (CSOPNU, 2011). In addition, Sudan's oil resource is another important factor that attracted U.S. Consequently, the approach of U.S in Sudan is mainly to support the establishment of

independent south Sudan “as a buffer against the spread of Islamic extremism in the Greater Horn” and as “an opportunity to access the oil resources.” (CSOPNU, 2011:20).

On the other hand, China's involvement in Sudan is largely conceived as initiated by its interest to secure access to natural resources, mainly oil. For example, according to Shinn (2005:7), “Sudan became China's first major overseas oil development project.” However, as he argues China is also the major supporter of Sudan in international forums despite its massive domestic human rights violations (Shinn, 2005). Finally, the divergence of China's and Western conception of sovereignty in recent years may also impact on these regional efforts. Generally, the following conclusion on the general dynamics in contemporary ‘Sudan is instructive. “China's interests in Sudan should be viewed in a global perspective as part of its grand plan to set a stage to challenge the U.S global leadership and Sudan's geopolitical position.” (CSOPNU, 2011:22).

More importantly, the case of Ethiopia seems more complex and less clear. To begin with China's involvement, David Shinn argues “China sold large quantities of military equipment to both (Ethiopia and Eritrea) during the conflict but has been careful to protect its more important investment with the much more populous Ethiopia” (Shinn, 2005:9). In this regard, it is possible to identify the inclinations of Ethiopia. On one hand, it tends to follow China as more relevant model in terms of development policies, political and human right issues (Shinn, 2005) on the other hand, it claims “the policy we have adopted in connection with peace and security of our region is consistent with that of the U.S.” (MOI, 2002:147-8). However, others predict that China will bypass governments and will engage at local levels following the crisis in Somali regional state on its oil project (Dowden, 2007). Finally, Ethiopia's strategic significance as another ‘stage’, is expressed by David Shinn, former ambassador of U.S to Ethiopia, as follows, “Addis Ababa is also the headquarter of the African Union, making it a useful location for China and others to stay in touch with delegations from throughout Africa” (Shinn, 2005:9).

Then, in this emerging context it is important to reconsider Ethiopia's approach to the region by focusing on how it has changed or not. From the outset, the contemporary policy of Ethiopia begins by intense criticism of the previous policies and claims the major departure. It is better to use the original words:

Former governments pursued external relations and national security policies that disregard internal problems that were fundamental to our national condition. Rather, the effort was to focus on the outside world and to look in from the outside, as it were... It should also be noted that the foreign policies of past governments were, in part, founded on a ‘siege mentality’ which considered the

country to be surrounded by enemies.” (MOI, 2002:1-2).

Based on the above remarks by the contemporary policy, it is fair to expect the major departure from the past. Moreover, this must be the case when it particularly emphasizes the need “to be free of emotions in analyzing the situation” in the context of Horn of Africa (MOI, 2002:57). However, the summary of its analysis indicates less departure in terms of result if not in the process:

In sum, the value of our neighbors- in the medium and short term- is limited to port service... (in this condition), the role of our neighbors, both positive and negative, on our development is limited. Similarly their positive impact on our democracy building process is limited. But in the negative sense they could believe in our vulnerability and by promoting religious extremism and narrow ethnic sentiments, they could disturb the peace and our development and democratization efforts.” (MOI, 2002:60)

Generally, from the above summary, the relevance (significance) of Horn states is asserted to be minimal, except in one area from four expected impacts. Again, that immediate relevance is that they could negatively influence peace. On the other hand, the positive value expected in this period is claimed to be “limited to port service”. The problem is, if not considered as based on European experiences that may be irrelevant in this context, ‘Mutual relevance’ has been considered as a major pre-condition for effective integration (Deutsch, 1978). Furthermore, other ‘background conditions’ including compatibility of values, some joint rewards, mutual responsiveness, and generalized common identity appears largely remote in this context.

More specifically, Ethiopia’s policy towards the region seems more security oriented, while at the same time acknowledging that civil society is becoming “new forms of inter-country interchange” (MOI, 2002:55). Therefore, this multiple characteristic is more likely to emanate from its third base of the policy-globalization. In short, it argues, “[w]e cannot attain development and democracy by closing our doors and taking refuge in our mountains. It is only when we accept the fact that we have no choice but to enter the global economy” (MOI, 2002:19). Conversely, Clark is critical of the decision by many governments to “accept defeat and go with the flow.” Then, he expects civil society at national level to pressure governments “who embrace globalization uncritically.” (2003:79-80).

Ultimately, the major question remains what kind of regional integration can be expected and achieved within this general environment, and when regionalism as theory continues to be debatable concept either as ‘stumbling block’ or ‘stepping stone’. More importantly, the promise they may provide landlocked countries in the context of Horn of Africa is influenced by these interacting factors at various levels in one way or the other.

### **Reflections on the factors that can determine the prospect at different levels**

This discussion is primarily based on states as the major actors in regional integration efforts. Accordingly, it begins with exploring the implications of state formations in the region that was closely related to European colonialism. The developments during this period were certainly the major factor that affected the whole region in different ways (UNECA, 1994). For example, despite the dominant argument that Ethiopia was largely immune from the impacts of colonialism, it was exactly at this period that it expanded its territory to the south, while at the same time it also became landlocked country (Amare, 1989; Wuhib, 1997). Thus, the legacy of the past on the present regional conditions is real; as its one contradictory effect-the developments of new roads that aimed to connect most of these, while also making independent Ethiopia landlocked may indicate. Similarly, the consequent developments in international/global environment since then have continued to impact on the region in various ways. Accordingly, the present multidimensional crisis in the region seems to require coordinated regional efforts; as opposed to isolated desperate attempts to solve specific country’s peculiar challenges.

Accordingly, the establishment of formal regional integration arrangements like IGAD and COMESA may provide some hope for the region. These institutions, however, to large extent remain weak to carry out their responsibilities effectively (UNECA, 2004). When one considers IGAD in this light, its pre-occupation with security issues is often interpreted as resulting from Ethiopia’s influence. Actually, this also conforms well to Ethiopia’s formal policy reading; and how Ethiopia conceives her interest in the region. Beyond this specific role of Ethiopia, the continued conflicting relations among member states remains the major source of obstruction for any significant and constructive regional approach in the Horn of Africa. The case of COMESA is also almost similar, except for its economic orientation, in contrast to IGAD’s pre-occupation in security areas. Nevertheless, Ethiopia’s commitment in COMESA remains marginal compared to the case in IGAD. Then, the major question here is, what is the relevance of these organizations for the region’s landlocked countries like Ethiopia?

Overall, it is only after the more recent period (2008), that one can reasonably expect any solution from these arrangements for the specific problems of landlocked countries. However, even this recent development is largely based on the ‘global’ initiative by U.N- ‘Almaty program of Action’. Whatever the case, whether the recent declaration of IGAD to ‘re-position’ itself as regional integration institution was related to this global development or not, there are some indicators that these institutions recently begin to provide some hope for the region’s landlocked countries. For example, the recent

approval by IGAD of some transport corridor projects to connect the states of the region to regional port facilities can be cited as one indicator. Similarly, COMESA is increasingly becoming active in the development of various corridors throughout the region. More importantly, the new effort to coordinate different regional projects like the Mombasa-Addis Ababa project by IGAD and COMESA indicates the new progress in this direction (UNDP, 2007). However, this should not underestimate the continued prominent role of states within these regional institutions as well.

Therefore, within this new context, one can fairly conclude Ethiopia's prospect to have access to the regional ports (*sustainably*) largely depends on the following major factors. First, as the contemporary foreign policy of the country correctly puts, it must "move from the internal to what is external, doing [its] home work first" (Mol, 2002:3). However, this declaration must be accompanied by genuine commitment and honest intention that recognizes the potential consequences of present actions. To give one specific example, even though being landlocked affects every citizen in one way or the other, it is, after all, a group that engages directly in import and export trade who seems with higher stake in this transaction. One visible problem in this regard is, despite the formal policy's dedication to 'economic diplomacy', and its provision that "[m]embers of the private sector must play a key role" (Mol, 2002:54), there are still some indicators on the prevalence of divisions at home; even at this specific level (Young, 1998).

In short, beyond the enduring ethnic, cultural and regional problems that are not yet effectively resolved, there are some indicators on the emergence of a new layer that may exuberate the problem of national cohesion. For example, based on USAID's BizCLIR project, Hamilton (2009) points to the rising mistrust between public and private sector as one major problem. Furthermore, Leonard (2009:7) extends to point the link between "all the meat-exporting companies based in Addis" and the ruling party, and their exclusive ownership as the major problem in this sector; as he also associates this to the difficulty of using Djibouti ports in this case.

Similarly, the protracted argument for and/or against using regional ports as viable option indicates that consensus is still marginal even on this basic issue. While the formal policy seems to support such approach, significant proportion of the country's elites continue to argue Assab, if not Eritrea must belong to Ethiopia. However, while having one's own port is undoubtedly the best option, it is also important to note that many countries that have their own ports depend to a certain extent on others for different parts of their country; especially when they have large size. For example, one may consider the dependence of Tanzania and Sudan on Kenya's port of Mombasa, for certain parts of their country even when they have their own ports that provide service for others (UNDP, 2007). Therefore, looking for

different options is not reserved to landlocked countries. Whatever the case, having or not some degree of common understanding may also determine the sustainability of such moves. Finally, one may add internal infrastructural development as obviously crucial element that is predominantly domestic preserve. In this regard, one Ethiopian official concedes the significant challenge faced by landlocked Ethiopia and the importance of investing in the construction of major highways that links it with neighboring countries like that of the recently opened Ethio-Sudan highway (African Review, 2013). In sum, resolving these domestic complications and closing the gap between formal commitments and actual implementations is certainly the basic step in this endeavor.

The second level at which these factors must be looked at is regional level. Generally, these revolve around political, economic and institutional factors, at both regional scale and the specific case of the potential service providers. To begin with, in Ethiopia's current formal position, it is important to point at one fundamental contradiction that may work against the realization of this objective. This is the downplaying of the relevance of regional states to Ethiopia's "development and democratization" except in providing port service while also focusing on that they can pose security threats (Mol, 2002:60). Conversely, its assertion of "pivotal role" in IGAD seems in stark contradiction to the conventional approach to regional integration; that requires thinking and designing at regional scale even when designing domestic policies (Counlibaly et al., 2009). Certainly, this is so, not mainly because of its assertion, given its relative power and potential in the region; but it is when looked from such undiplomatic claim and anti-thetical approach to regional integration: "[w]hether by design or not, the success of Ethiopia's development would benefit neighboring countries, and not just in relation to ports" (Mol, 2002:61; emphasis added).

However, all together, the difficult political, economic, and cultural terrains of the region are also the major constraint for constructive institutional and infrastructural developments in the region (Mesfin, 2002; Getachew, 2010). The same can be said on the reliability of Ethiopia's dependence on regional ports so far. Here, it is possible to highlight the major factors with particular examples. First, as Faye et al. (2004) argue, political challenges remain the major obstacle to Ethiopia's reliable access to the sea. This can be seen at different stages. For example, from how it changed the status of Ethiopia from 'a maritime country' to 'landlocked country' in the first place; and then how the conflict between Ethiopia and Eritrea affected Ethiopia's option to access the sea; and, even how Eritrea involved in Djibouti and how it attempted to obstruct Ethiopia's access to the sea more recently (Ewing, 2008). Generally, even when there is no direct confrontation, peace and security of potential transit state may also affect the prospect of Ethiopia in this direction; as the case in Somalia may also testify.



In addition, the general economic and cultural conditions of the region seem far from being ripe for smooth societal interdependence, which is less political and may trigger broader integration as functionalists argue. Therefore, the nature of relationships among the region's member states is more likely to affect the prospect of the newly emerging hope for the region's landlocked countries within such regional frameworks; as Eritrea's recent withdrawal from IGAD because of the exuberating regional misunderstandings may signal (Sisay, 2002). On the other hand, the independence of South Sudan as a potential new landlocked country may further enhance the regional approach to solve the specific problems of the region's landlocked countries, depending on the nature of regional relations it will develop.

Finally, the third level- international/ global environment is crucial determinant; especially, in such regions like the Horn of Africa, where states are less able even to function as state with relative independence. Here, the role of global actors, both individually and in concert, is more likely to affect the prospect of less powerful landlocked countries like Ethiopia in important ways (both positively and negatively). For example, the initiative of UN's 'Almaty program of Action' by itself has its root in 'global framework'. Then, the recent achievements by RECs like IGAD and COMESA, and their future prospects must be understood within this framework. On the other hand, the recent competition between Iran and Israel on 'Southern Waters of Red Sea'- around Assab may also pose unexpected/unpredictable challenges for Ethiopia and the region at large. One specific challenge in this transaction is its possible impact on the cultural dynamics that may further complicate the political situation of the region that remains the major obstacle for Ethiopia's access to the sea.

## GENERAL CONCLUSION AND THE WAY FORWARD

Generally, Ethiopia's prospect to access regional ports depends not only on the efforts of formal regional organizations. Without undermining the recent accomplishments of these organizations, it is safe to conclude that the prospect of Ethiopia to access regional ports on sustainable bases also depends on the effective resolutions of the challenges and careful exploitation of opportunities at all levels. This must also take in consideration the long-term implications of current actions as opposed to the exclusive pre-occupation on the domestic and short-term interests.

Accordingly, further research could expand the limited understanding by using different approaches. For example, these may include focusing on the roles of different interest groups and the diverse communications in community building- both to regional integration and to the challenges of landlocked countries. However, the concern of this paper is mainly limited to formal aspects

of regional integration and the promises it may provide for landlocked countries like Ethiopia. On the other hand, most of the emerging literatures tend to focus exclusively on informal aspects; while the proper understanding of regional integration in the contemporary world seems to require balancing both aspects (Hattene, 2003). As such, this study may contribute to balance this deficit and hope to remind responsible actors the danger of this temptation- ignoring the formal aspects at almost exclusive obsession with the informal transactions in this specific region and beyond.

## Acronyms

AfDB:	Africa Development Bank
Biz CLIR: Reform	Business Climate Legal and Institutional
COMESA:	Common Market for East and South Africa
CPA:	Comprehensive Peace Agreement
CSOPNU:	Civil Society Organization for Peace in Northern Uganda
EAC:	East Africa Community
IGAD:	Inter Governmental Authority for Development
IGADD:	Inter Governmental Authority for Drought and Development
MOI:	Ministry Of Information
NAFTA:	North American Free Trade Area
RECs:	Regional Economic Communities
RPCC: Committee	Regional Project Coordination
RTA:	Regional Trade Arrangements
SACU:	South Africa Customs Union
SADC:	South Africa Development Community
USAID: Development	United States Agency for International
UN:	United Nations
(UN)ECA: for Africa	United Nations Economic Commission
UNDP:	United Nations Development Program

## Conflict of Interest

The authors have not declared any conflict of interests.

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