AFRICAN UNION   IDEA

Study on Constitutionalism & Shared Values

An African Cultural Renaissance Perspective on Constitutionalism,

Democracy, Peace, Justice and Shared Values:

Challenges & Stakes for Statehood and Nation-building

By: Prof. Samba Buri MBOUP

(University of South Africa – UNISA)

Pretoria – City of Tshwane, 08 Jan. 2011

Contact Details:

Office: +27 (0)12-337 6051 / +27 (0)12-337 6011

Fax: +27 (0)86 750 1080

Cell: +27(0)82 064 1428 / +221-77 640 5023

Email: mboupsb@unisa.ac.za / (Private): newedgeconsulting@gmail.com

UNISA | centre for african renaissance studies

1. Conceptual approach and theoretical framework

1.1. Centrality of culture to history, society and identity

In the words of Maulana Ron KARENGA, culture can be defined in terms of that "very specific way for each people to celebrate themselves and introduce themselves to History and to the world". As such, culture encompasses a holistic content, meaning for a specific people, all that they *are* and all that they *have.*

Beyond folklore, dance, music, culture refers, in a more substantive and comprehensive way, to the sum of ideas, knowledge systems and instrumentalities (institutional, scientific, technological and political) by means of which a people conceives and organises their relationship to space and time, in the process of production and reproduction of their existence and social life: economic activity as a whole, architecture, indigenous educational and health systems, principles and patterns of institutional and political organization, etc. For a given people, culture encompasses among others: the best practices and examples set by immortal figures and lessons learned during the richest hours of their history; their generic worldview, basic principles of life and value systems; their language (s) and spirituality; their vision of *Self* and *Other* including generic mental images and archetypes etc.

In agreement with Karenga, Amilcar Cabral emphasizes the importance of the culture of a given people as **quintessence of the historical process** of that people. Hence the need and relevance of the *return to the sources* as basis for the African Renaissance project (Cabral: 1973: 42). Whereas for Cheikh Anta Diop (Cf: Civilization or Barbarism, 1991: 211-219), history and language represent two among the three key components of cultural identity, being the third one a psychological (subjective) factor. Historical conscience is crucial for the consolidation of national conscience and nation building, particularly in the case of a pluri-cultural and multi-lingual nation in the making. Among others, historical conscience refers to the feeling of belonging to the same community from a historical and socio-political point of view, and above all, from the consciousness of commonly shared aspirations, interests and value systems: in Diop's words (Ibid.: 212), it is about that which distinguishes a cohesive *people* from the heterogeneous, inorganic *population* of a market.

The psychological factor is anchored in and substantiated by, a set of principles, value systems and worldview, shared as common reference among all members of the same community. For Diop (1991: 218), it is about "the *psychological and cultural invariants* that political and social revolutions, even the most radical ones, leave intact, not only among the people, but among the very leaders of the revolution".

In the perspective of J.F.A. Ajayi (1986), emphasis must be put on both history and historiography: the role of historiography (the way in which history is told, taught and perceived), is not only to enable the explanation and comprehension of all events and facts which make up history; it also has to deal with the way in which the totality of the same events and facts are perceived individually and collectively, within a given society. In other words, particularly for a people subjected to foreign subjugation, it is of paramount importance to understand how their current situation came to be what it is.

Hence the function fulfilled by historical collective memory as the womb for an alternative identity and image of self as a people, and, therefore, as a potentially subversive space for political initiative and self re-assertiveness. Hence the necessity for a concerted effort in order to correct the falsified versions of history as told or written by others, in order to achieve a greater and more effective autonomy for African historical and political consciousness, the main objective being, not a rehabilitation of Africa's history as such, but rather to enable African people to "know and understand exactly what happened, how and why it did happen". More importantly still, is the capacity for African people and leadership, *to identify in both their common history and current situation, the major tendencies as well as alternative models and references for the future* (Ajayi 1986: 11).

This is about a **double process**. Firstly a process of restitution and ownership of one's historical and political memory. Secondly, a process of re-conquest and renewal by Africans, especially youth, women as well as intellectual and political elites, of both self-confidence and trust in their own capacities, as they prepare to face challenges of viable statehood and nation-building in the context of globalisation and the spirit of African Renaissance, as an alternative and global project of society and Civilisation.

1.2.   The burden of Eurocentric epistemologies and orthodoxies

From an African Renaissance perspective, it is necessary to critically look at some of the suspicions held, and false accusations formulated against, African indigenous justice systems (AIJS) by authors representative of the intellectual tradition of *oppressive ethnography* as part and parcel of hegemonic globalization. According to O. Oko Elechi (2004: 2), the said suspicions and accusations include the so-called genetic incapacity and un-preparedness of African institutions and mechanisms of conflict resolution to respect and protect human rights in general and the rights of suspects and litigants in particular. Beyond such suspicions and false accusations, there are a number of underlying assumptions such as the non-existence of the least concept of human rights in pre-colonial Africa.

Such negative perceptions are also commonly shared by *social developmental theorists* in their artificial distinction between "traditional" and "modern" societies; being the latter category represented per excellence, by Western societies, whereas African societies are forced in their totality into the conceptual straitjacket of the category of "traditional" or backward societies which for that matter, have no other choice left than to strive to "catch up" with their Western counterparts, in an endless race aimed at "filling up" their many "developmental gaps".

 One problem with these kinds of approaches lies in that they tend to overlook or fail to fully take into account, either the inherent differences in worldviews between one people and another, or the role of culture in the conception and administration of justice in every human society.

1.3.   Development or Renaissance?
 In a collective book recently published in French, African scholars such as Jose Do Nascimento   (2008) have challenged and dismissed the "filling up the developmental gap" approach. African Renaissance is proposed as an alternative paradigm to the paradigm based on the "theories of development" associated with a distorted vision of Africa's history and cultures. For Do Nascimento et al, the modernisation of African societies should not be viewed in terms of the so-called "liberal big push" advocated by Western-inspired epistemology. Historical and social progress in Africa will, in the contrary, come only as a result of a holistic and radical ***process of re-foundation,***

renewal and transformation of both the social fabrics as well as of African peoples themselves: their mindset, world outlook, vision of Self and Other, together with their position in the world.

The preceding entails, amongst others, the need to rethink critically, issues of institution building, constitutionalism and shared values.

1.4. Universalism and specificities: relevance of African approach(es)

If we look at the issue of human rights from the point of view of its recorded versions in Western historiography and literature, two landmarks are generally recalled: the French 1789 Universal Declaration of Human and Citizen's Rights and the 1948 UDHR / Universal Declaration on Human Rights, sponsored by the newly established UN System. At this point, it is worth noting that the primary objective for the creation of the UN System was the preservation of peace and security in the world, after two devastating wars which threatened in many ways the very founding principles and values as well as some of the major institutions of World Civilization and order. Only thereafter, did the objectives pursued by the UN System tend to be extended to other issues and areas of concern such as HR, development, decolonization, protection of minorities etc.

There also seems to be an ideological North-South divide in terms of approaches; being the dominant tendency, to put more emphasis on political and civil rights at the "North", at the expense of other rights such as the economic, social and cultural rights. In the current African context, it is necessary to recall, furthermore, that the principal instrument referred to for human rights promotion and protection is the African Charter on Human and People's Rights, adopted in 1981 in Nairobi, but enforced only five years later, i.e.: on 21st October 1986. The Charter's innovative approach is generally stressed in its recognition of equal importance and relevance to both human (individual) and people's (community) rights; as well as to notions of rights (duties) and obligations for individual citizens and collective members of society and, last but not least, the relevance of the notion of the right to development. The African Charter must thus be widely ratified and its provisions incorporated as part of legal and

regulatory frameworks on the Continent with regards to administration of justice as well as legal practices (Tsemo Mboup: Ibid.)

Historian Doulaye Konate (1997) is, among others, one notable contributor to the debate on the endogenous foundations of a culture of peace in Mali and Africa, through a careful scrutiny of traditional mechanisms for conflict prevention and resolution in the African context. In particular, Konate made a seminal contribution to a study on the same matters produced in 1998 by a team of National experts, in the framework of a UN General Secretariat mission for the establishment of a National Programme on Governance, Education to the Culture of Peace and Human Rights in Mali, coordinated by this author.

It is further recalled that the historical context for the formulation of "universal ideals" as proclaimed in international judicial instruments, pacts and codes was not always one of democracy and pluralism conducive to equal consideration, treatment and integration of the historical experiences of various peoples on culture of peace and democracy. For instance, when the Dec. 1948 Universal Declaration on Human Rights was proclaimed, the whole of Africa was represented within the then incipient UN System, only by three countries: Ethiopia and Liberia – the two only countries that were not under colonial administration – and apartheid South Africa. From an epistemological point of view, it is therefore legitimate to assume that more recent studies of the historical experiences and cultures of African peoples, might have the potential to enrich the content of the said international judicial instruments, codes and pacts while staying conform with their spirit and content.

Whereas fundamental rights contained in the African Charter on Human and Peoples' Rights are also found in other international Covenants, at the same time, the work of the Committee put in place for the redaction of the Charter was also guided by the principle according to which the Charter "should reflect the African concept of human rights by taking as a model the African philosophy of the Law" whilst responding to African needs. Among others, States signatories proclaim in the Preamble, their "determination to take into consideration the virtues of their historical tradition as well as values of African Civilization that should inspire and characterize their reflection on the concept of human and peoples' rights". Such an innovative approach contributes to further confirm its conceptual originality on two main aspects characteristic of African conceptions and related practices on issues of human rights: the intrinsic linkage

between notions of right and obligation; and the affirmation of the importance and relevance of a communal (not collectivist) approach to the same notions.

2.   Background Context: Constitutionalism & Crisis of the Nation-State

2.1.   Challenges to access to justice

Access to Justice is a concept related to fundamental principles of law and legal systems of many governments, an ideal embodied in the principles of equality and non-discrimination that found the very concept of Law. In a paper presented at a SADC Chief Justices Conference on Human Rights held in Kasane, Botswana, in the period 5-7 July 2004, Sihaka Tsemo Mboup, former regional Representative for the UN High Commissioner for Human Rights in Southern Africa and the Indian Ocean, emphasizes the aim of access to justice as consisting in "effective delivery of high quality legal services to all, especially those with low-incomes, the vulnerable and marginalized"… Tsemo-Mboup recalls a fundamental fact that must always be borne in mind: that "Principles on Access to Justice are focused on economic, social and political justice with emphasis on distributive justice". Furthermore, it must be recalled that, the preservation and promotion of human rights implies the existence of a democratic State governed by the rule of the Law and wishful to guarantee political stability, peace and security, the social, economic and cultural rights , as well as the general well being for all its citizens.

2.2.   Domestication of International Law for increased access to justice

 Most *International human rights instruments including all seven core UN Conventions* guarantee the right and access to justice. These instruments "have made provisions for states to ensure that mechanisms are put in place to protect individuals or groups who claim rights recognised in these conventions", whilst providing a framework together with mechanisms to monitor conditions for proper administration of international justice (Tsemo-Mboup: 3). UN *special procedures* allow to deal with particularly serious human rights violations. Regional and international legal procedures and cases have, thus, contributed to positively influencing domestic laws in many countries.

However, it should be reminded that "human rights can only be effectively protected at domestic level by national courts, magistrates and lawyers; and that international procedures provide remedies of last resort when internal mechanisms have failed" (Tsemo Mboup, 2004: 3). Consequently, as members of the UN broader community, African countries have put in place mechanisms aimed at facilitating access to international and regional instruments by national legislatures and judiciaries. In the context of a renewed commitment to democratic principles, good governance and the rule of the Law, there is a new opening which arises from the way in which African leaders seem to have prioritized their commitment to strengthening the administration of justice and rule of the Law, and adhering to international human rights norms and standards. Institutions are thus, being established and mechanisms put in place and operated, with the purpose of monitoring progress made on obligations arising both from international, regional and national instruments.

2.3. Crisis of the judiciary and justice systems: impact of structural dualism and imported judicial positivism

Efforts made by African Governments for the domestication of International Law whilst addressing with an increased sense of ownership and responsibility issues of justice and access to justice as a fundamental human right, attest to the reality of a renewed commitment to democratic principles, good governance and the rule of the Law on our continent. Despite persistent difficulties and challenges, initiatives are also being developed and resources allocated within NEPAD and the African Union, in the search for common principles and shared values. However, these efforts and initiatives have proven unsuccessful and might continue being hampered by the fact that most African legal and judicial systems are still grappling with problems of *accessibility and effectiveness*; being some of these problems closely related to socio-cultural including ethical factors, encountered in the contexts of their implementation.

According to many analysts though, the primary causes of some of these problems are of a structural nature and should, therefore, be sought after at the very core of the same legal and judicial systems, i.e. in their own make-up. Most of these systems are exclusive of principles, values, mechanisms enshrined in the pre-colonial African

institutional and political legacy, as revealed by authors pertaining to the African school of scientific research and thought founded by the late Cheikh Anta Diop. As pointed out by Tsemo-Mboup, "The structural dualism in the judiciary translates itself into the juxtaposition of the formal legal systems inherited from colonial powers on the non formal indigenous systems labeled as *traditional* or *customary law.*

Although, in many African countries, the majority of civil cases and even common offences (more than 80% in some countries) are dealt with by the so called traditional courts or informal structures, nonetheless the latter enjoy no clear demarcation of their areas of competence or system of reference at central level, in terms of definition of rules and principles to be observed and enforced". From a normative and an operational point of view, one cannot ignore the negative impact of multiple and parallel judicial arrangements that put additional constraints in terms of lack of a coherent vision and comprehensive approach in addressing the challenges; added to the impact of other constraining factors such as insufficient resources and qualified staff, inadequate infrastructures, unmet training needs.

This situation of *structural dualism* is compounded by challenges and shortcomings of *imported judicial positivism.* Those shortcomings include: the obligation for African citizens to obey laws even unjust ones insofar as they emanate from the State; a tendency to over-emphasise the establishment of judicial norms, mechanisms and procedures (quantitative process); and the formal adhesion to judicial instruments without bothering to implement them (Tshiyembe, M 2000); There are finally, difficulties facing the African legislator to *reconcile and merge*, both at national level and within the Pan African Parliament, different sources such as the British Common Law, the Napoleonic legacy, and in some instances, the Sharia Law of Islamic inspiration.

Last but not least, various studies have emphasized and taken stock of the disappointment on the part of African people, especially those at grassroots level, with colonial and post-colonial justice systems. Among others, such disappointment derives from African peoples' own perception of the concept and practice of the said systems: not only are colonial-sponsored and post-colonial justice systems, perceived as alien and inadequate systems, inorganic with regards to the very social fabrics of African

societies and cultural ethos of African people. By their very nature, the same are also prone to abuse and corruption.

As a result of the preceding and from a socio-cultural point of view, the following challenges stand out in the area of legal practices in many African countries: Firstly, "the questioning of cultural relativism regarding human rights and modern justice which is propounded as an alien or Western construct against African values needs attention. Secondly, traditional justice systems have been negatively influenced by colonial and post-colonial, politico-ideological legacies. This has led to "patriarchal dominated systems both under traditional and formal justice systems, e.g.: discriminatory laws and practices against women. Thirdly, "insufficient knowledge of human rights instruments by the "duty bearers" (law makers and justice practitioners) and the "claim holders" (people liable to justice) themselves. Whereas, fourthly, shortage of institutional skills added to relatively high levels of legal illiteracy, hamper considerably, "the ability to understand and use the legal system and even the complexity of legal language: which puts additional barriers on those who are already excluded by the fact that they do not read, write or master official languages". (Ibid: 6)

3. Rethinking the Regulatory Frameworks of Justice Systems and Legal Practices from an African Renaissance Perspective

As Africa's organized response to challenges posed by hegemonic globalization, African Renaissance can be viewed as an alternative and global project of society and civilisation, aiming at the creation of conditions for the re-birth of our continent as an independent pole of initiative and decision making, in the scientific, technological as well as economic and political areas, in the world of to-day and to-morrow. Strategically, African Renaissance refers to two realities and processes. First, to the ultimate, long-term goal for Africa and the African people in the 21st Century (re-birth); secondly, to the long, protracted and complex process of transformation and self-transformation leading to that renaissance: transformation of Africa's position in the world and of its relationship to other continents and peoples; transformation of African peoples' living conditions; self-transformation of Africans themselves, as a necessary condition towards achieving the strategic goal stated above.

Based on the preceding, Pan-Africanism can be viewed as the operative tool or doctrine for African Renaissance.

African Renaissance is also envisaged as an alternative paradigm for knowledge production, dissemination and consumption.

3.l.   Re-asserting the relevance of AIJS

Despite the dominant position of African states regarding models and patterns of justice systems and correctional services etc, attempts to disqualify and dismiss African institutions of social control must be challenged and refuted by, first, re-affirming from both an empirical and theoretical point of view, the ongoing relevance of such indigenous justice systems in the affairs of African people, including in the way in which they operate through administration of justice services, particularly within the framework of *African Africa* and in rural areas where live the majority of our people.

Certain factors account for such relevance. In the first instance, there is the bitter disappointment on the part of African people, especially those at grassroots level, with colonial sponsored justice systems, as previously emphasized (see: Elechi, Ibid.: 21-2). Above all, the dominant (i.e.: official) justice systems in Africa established in the wake of the Western model of the nation-state are, intrinsically, alien to the African concept and practice of justice. As a consequence, they are perceived as inadequate and unresponsive to African socio-judicial contexts and peoples' judicial needs. In many respects, the former appear to be less accessible, less efficient, when compared to the more democratic, African state models and indigenous justice systems, credited, together with their underlying principles and values, with greater ability and preparedness to protect human and people's rights, including through correctional services and practices.

3.2.   Constitutionalism and best practices and lessons learnt from the institutional legacy of African Africa

African Africa refers to the Africa that is still itself and continues abiding by its own principles and value-systems. African Africa should not be perceived as exclusively an Africa of the past: it is also in many respects, an Africa of today and tomorrow.

A) A great diversity of frameworks and contexts

Out of the original context of Nile Valley civilisations (Egypt and Nubia), a holistic assessment of the institutional and political legacy of African Africa, would require to conduct an investigation about values, principles and institutions, within frameworks that include post-pharaonic areas of civilisation such as kingdoms and empires in West Africa (Ghana; Mali; Songhay), Central Africa (Kuba; Ndongo and Matamba), in Southern Africa (Zimbabwe and Monomotapa; Zulu Kingdom), in North-Central Africa (Kanem-Bornu and other political states around Lake Tchad and Northern Nigeria), and in Eastern Africa: Buganda; Bunyoro-Kitara, Ankole.

The African pre-colonial legacy also comprises of centralised socio-political formations of lesser dimensions than those of kingdoms and empires. They include more or less centralised chieftaincies with their respective hierarchies, codes and protocols such as the Bamileke Fo-led Tsa and sultanates of Islamic inspiration encountered in Northern Nigeria: Kano, Kaduna, Zaria, Sokoto… To the last category of politico-institutional entities, correspond non-centralised formations. In those formations, the existence of councils play a key role at central level and in the social, political and economic life of local communities. The preservation and consolidation of democratic institutions, principles and mechanisms, are equally guaranteed through counter-powers entrusted with, amongst others, functions of oversight of the way in which the executive and judiciary perform their constitutional duties.

Part of such a political legacy was preserved and enriched throughout the African Diaspora's history of permanent and relentless resistance against oppression, that was marked amongst others, by the glorious saga of the *Fighting Maroons* of Jamaica, of the *Juka, Aukanisi, Saramaka, Kwinti and Matavai* of Suriname. The same legacy was further consolidated in places such as Haiti, whose independence was formally proclaimed in 1804 and Palmares, the legendary African republic in Brazil that was founded at the turn of the XVIIth century by an outstanding warrior-leader, strategist and statesman by the name of Zumbi. Against a politico-military coalition of Western powers aimed at its re-conquest and re-enslavement of its people, Palmares succeeded to preserve its independence for almost a century, until 1694.

B) Philosophy of power and generic governance principles of African muntucracies

Essentially, the African conception of political power differentiates between the notion of *power* in terms of a crude capacity of coercion, on the one side and, on the other side, that of *authority*, considered as both the foundation of the legitimacy and the cornerstone of, real power. Such conception of power, is organized around key notions such as *Ubuntu* (humanity as an ontological category or status and as a political and ethical principle) and *Maat* (notion of justice, truth, equity, righteousness, universal balance and harmony). The same acknowledges basic principles such as the principles of separation and balance of constitutional powers, those of representation and decentralisation; it also recognises and protects constitutional rights for minorities, for foreigners and of course for women, as testified by many, including by Ibn Battuta, the Arab historian and traveler, who visited the Mali empire, in the XIVth century.

Among constitutional principles and core values of African democracy or *muntucracy* as derived from the same philosophy and practices of power, the following stand out due to their importance: the people's will as Supreme Law; the sovereign himself/herself is not above the law, s(he) falls under the law as any other citizen; sovereigns are regarded as leaders rather than rulers, being the most respected ones those who most care for their people's well-being, prosperity and peace, amongst others.

Obviously, the societies in question were exempt from neither conflicts of interest nor social antagonisms. Furthermore, one should differentiate with Bathily (1994) between two distinct periods in the history of institutional and political systems, particularly in West Africa. The most recent one, which is contemporaneous with the domination of market capital and the slave trade in all the social formations, was marked by the advent of warring and predatory states, built on the still burning ruins of the Songhai Empire at the end of the sixteenth century. The context is one of societies that were more organized along hierarchical lines, "*tougher*", and within which resorting to violence, brute force, was the prerogative of states in general and of their main institutions: the army and the judiciary in particular. Such historical context was thus marked, by a process of degeneration of political power and governance ethics as testified by the advent of oppressive leaders, some of whom relying at a later stage, on

profits made from the insertion of their states in networks of the Atlantic slave trade for economic or political survival.

In all cases, it is critical to take into consideration, the existence of regulatory mechanisms put in place and that never ceased operating, underpinned as they were by a common will to live together, beyond specificities in the cultures and lifestyles of certain communities or differences in functional regions constitutive of different politico-social formations.

C) Gender dimensions of power and leadership

Despite myths and distortions characteristic of the dominant mainstream discourses, African women were the first women in world history to have enjoyed constitutional rights. Besides, in the context of *African Africa*, the principle of *matricentrality* (or matrifocality) seems to have been one anthropological trait very widely shared by many African peoples such as the AMakhuwa, WaSwazi, BaTswana, ANyanja/AChewa, VaMakonde (in Southern Africa), as well the Wolof, Nupe, Igbo, Akan (Ashanti, Fanti, Bawle, Ga) in West Africa, and of course, in ancient Egypt. Meaning that despite the reality of male dominance in political power structures, African societies were centered around women.

Within such a context, women have always performed a fundamental role and enjoyed a high status in many respects. *African Africa* also accounts for a long and rich tradition of female leadership that includes Queens, Queen Mothers most of whom warrior queens and/or women priests. Whereas in the history of the African Diaspora, women have also performed a major role as leaders of the relentless and multi-facetted resistance against slavery as well as in the struggles for social and national emancipation, in the post-slavery era.

D) Rights-based approaches to governance and justice: the Founding Charter of the Mande Empire as case study

At the time of its peak, between the 13th and 15th centuries, the Mande (Empire of Mali) covered a territory more extensive than three times that of to-day's France. The Founding Charter of the Mande is a solemn declaration pronounced at the end of the year 1236, on the occasion of the enthronement and swearing in ceremony of Soundiata Keita, first Emperor of the Mande, This was a declaration of faith from the powerful

hunters' brootherhood on their total opposition to all forms of oppression and human indignity, including servitude, captivity and slavery.

The Founding Charter of the Mande or legacy of Kurukan Fuga, intended "to speak to the ears of the whole world", starts by recalling that "The Mande was founded on harmony and concord, on love, freedom and fraternity (quote as in Mboup, 2008: 104). Which means that there could be no ethnic, racial, gender or other forms of social discrimination in the Mande, because "every human life is a life" and that "there is no worst calamity than hunger and slavery" (Ibid., Idem). The text goes on with references to moral qualities such as sense of honor and nobility of character, but also to nature and social issues such as marriage, etc. In the words of Youssouph Tata Cissé, The Charter of the Mande represents for all humanity a treasure, a hidden treasure. It is "a political text of key importance and relevance, that celebrates principles and values such as peace, tolerance, fraternity and solidarity, that were carried out since time immemorial, by the confraternity of initiated hunters.

E) Culture of peace, administration of justice and State responsibilities

Central to the duties of all leaders and governance structures at all levels, was the obligation to render services to the peoples and communities placed under their authority. The services to be provided included: protection of life; safety and security of people and their properties; a decent life through access to basic services; access to a fair and equitable justice system; etc. This was indeed, a challenging and testing ground for governance structures at all levels: one which provides in many respects, useful lessons to address challenges of today and tomorrow.

Within the African pre-colonial context, the formal or symbolic recognition of authority especially from individuals and communities seeking protection, arbitration and justice and the pre-eminence of authority over power, made it an obligation for those leaders to whom authority was recognized, to strive to do justice to those who were seeking their arbitration or protection, in a context whereby power seldom provided a legitimate basis for economic exploitation (Mboup, 2008:104-5).

Once institutionalized through the Charter of Kurukan Fuga, the constitutional and governance principles stated above, became a living legacy destined to provide inspiration and guidance to the Mansa (Emperor) and to all duty bearers within the

empire's State apparatus, including in the justice system. For similar reasons, extreme forms of political oppression would trigger off the intervention of counter powers acting as custodians of public liberties and prerogatives, including in the pronouncement and execution of heavy penalties against unpopular or corrupt leaders. In some cases, political and judicial processes conducted according to very strict ethical norms and judicial procedures, could lead to public disavow or repudiation, of the sovereign as in the case of Wolof Dammel (King) Daaw Demba who, according to oral tradition records, ended up being forced into exile in 1647, as a result of his extremely abusive and oppressive reign.

F) Diplomacy and conflict prevention, management and resolution

Diplomacy and conflict prevention and management were also codified and regulated since time immemorial, through a number of institutions and mechanisms and a set of codes, principles and values that are still very much alive to-day in the Bilad-Es-Sudan (West Africa) particularly in the Republic of Mali where they played a critical role in the resolution of the armed conflict that erupted in the North of the country in the 1990s.

The Malian experience illustrates the importance of *social capital* in general and, in particular, the centrality of certain constitutional principles in the culture of peace and in conflict management in African Africa. These constitutional principles include, amongst others, the following: preference for conflicts' prevention over their (management or) resolution; preference for mediation, and (re) conciliatory procedures over contentious approaches and procedures. As a consequence, the trial appears as an exceptional and ultimate option, when all possibilities of settling a dispute or a conflict amicably, have been exhausted and failed. Hence the importance of the role of certain persons and/or institutions for mediation and (re) conciliation, given their status, prerogatives and authority. Such was the case with the Nyamakala or Jeli as well as the councils: family councils, councils of elders, inter-village and inter-clanic councils, that were established to serve similar purposes of peace-making, peace-building and settling disputes arising from conflicts of interests, as issues of critical importance and of permanent concern in many African historical and cultural traditions (Mboup: 1998; 2008:103).

Towards the same end, various mechanisms and institutions were put in place in the framework of communities and organised states. They include: extended political and matrimonial alliances such as inter-clanic marriages; mediation; artistic and sports competitions; and the institution of *sanankuya* or symbolic kinship, which institutionalises very strict, compelling codes of conduct, etiquette and mutual obligations between specific clans, ethnic or other social groups, including in times of conflict or as means of preventing conflict from occurring. Similar policies were also pursued for the purpose of regulating peaceful relations between wider communities and states.

3.3.   Core principles and values of AIJS

A) A negotiative and democratic system

According to Elechi (2004:19 sq...), AIJS in their varied configurations and operative modalities can be viewed as essentially negotiative and democratic, despite the generic pattern of dominance of the processes of conflict resolution by male adults – which does not necessarily mean that women were either excluded from such processes, or that their own rights were jeopardised within the same context. As an all inclusive, community-based, negotiative and democratic process, justice making in African Africa, is an opportunity for a wide dialogue among all stakeholders including judges with their aides, councillors and collaborators together with the litigants themselves, their families and society at large (Elechi 2004: 19).

The intrinsic value of AIJS as compared to other systems and particularly to the Western-inspired systems, reside in the fact that "when people involved in a conflict participate and are part of the decision making process, they are more likely to accept and abide by the resolution" (Elechi Ibid. Idem).

B) A victim-centered system

The first priority of AIJS is the safety of victims. As a consequence, assistance is provided to victims with a view to restore their injury, property lost, and their sense of security and dignity; being the starting point of AJS, the "victims' needs for information, validation, social support and vindication". According to Nsereko (1992: 22), African customary legal processes "focused mainly on the victim rather than on the

offender", since "the goal of justice was to vindicate the victim and protect his/her rights". In conformity with the same principles as derived from African peoples' worldview(s), value-systems and cultural ethos, "the imposition of punishment on the offender, was designed to bring about the healing of the victim rather than to punish the offender" (Elechi 2004: 18).

C) The restorative & transformative nature of AIJS

In the opinion of Elechi (Ibid: 18 sq.), "the restoration of rights, dignity, interests and well-being of victims, offenders, and the entire community", is the goal of African indigenous justice systems; being the empowerment of victims, offenders and the community, their central principle. Furthermore, the justice making process can perform a transformative role inasmuch as "conflict provides opportunities for stake-holders to examine and bring about changes to the society's social, institutional and economic structures.

Unlike what occurs within the Western concept of justice, rather than punishing the offender for punishment sake, in many instances, the offender was made to pay compensation to the victim; being well understood, as emphasised by Nsereko, that compensation "goes beyond restitution. It also represents a form of apology and atonement by the offender to the victim and community". (Nsereko 1992, as in Elechi: 18). However, despite their victim-centeredness, AIJS were at the same time, supportive of offenders themselves by persuading them to understand and accept responsibility for their actions. In this regard, the transformative nature of AIJS is further attested by the fact that the same systems were/are "able to condemn a behaviour and yet retain respect and love for the wrong-doer. Africans believe human-beings are capable of change and therefore deserve a second or even a third chance" (Elechi 2004: 22).

3.4.   A corporate (communal) approach to human rights and justice

Following works by scholars from the African school of research and thought founded by Cheikh Anta Diop, there is now growing consensus on the rootedness of justice associated with human and peoples' rights in pre-colonial African societies and cultures. As stated earlier, the culture of respect for, protection and promotion of, human and people's rights in African Africa, was and still is, embedded in the central

notions of *ubuntu* and *maat*. Justice Mokgoro from South Africa defines *ubuntu* – a zulu word - as a lifestyle or unifying world-view "of African societies based on respect and understanding between individuals. *Ubuntu* has been translated as humaneness. […] it envelopes values of group solidarity, compassion, respect, human dignity, conformity to basic norms and collective unity" (as quoted in Anderson 2003; and Elechi, 2004: 22).

As a consequence of the centrality of notions of *ubuntu* and *maat*, a corporate or communal approach to justice was also the dominant norm in the context of pre-colonial African societies, with particular incidence on the concepts of the state and varied practices of political power. As stated by Motala, "The individual was always a member of an extended family or community. Membership of the extended family or community bestowed the individual with rights and duties" (Motala 1989: 381).

Gyekye (1996), in conformity with his own Akan cultural background, observes that "The African conceives of the individual as endowed with dignity, and believed in the sanctity of human life"; being human dignity in the same context, "an expression of the natural and moral rights of the individual" (quote as in Elechi: 8). To substantiate his views, Gyekye cites an Akan proverb according to which "All human beings are children of God; no one is a child of the earth". Similarly, Southern African peoples such as the Basotho have it that *Umuntu ngu muntu nga banye bantu*; which translates: "A human being is a human being because of other human beings". Or else: *nit nitay garabam*, according to the Wolof of Senegambia (Mboup: 2008: 103-4).

In other words, it is only within the larger community that the individual rights must be appreciated inasmuch as "the group or community rights or interests generally override that of the individual", yet without prejudice for the individual's own rights or freedom (Elechi, ibid., idem). Igbo societies for example, are described as being profoundly humane, insofar as they are "emphatically centered upon human interests and values" and that therefore, they are "characterised by empathy, and by consideration and compassion for human beings" (quote as in Elechi: 9). This is what Onwuachi (1977: 16) calls *African spiritual communalism*, as it derives from African indigenous principles of "live and let live; collective sharing; common concern for one another; sense of belonging together; social justice; economic progress and viability for all; and the African indigenous political process of participatory democracy".

3.5. Implications for correctional services

Coming to grasp with generic principles and values of the underlying philosophy of power in *African Africa*, is critical for the understanding of the nature of AIJS and related correctional services and practices. *Ubuntu* (humanity, humaneness) and *maat* (equity, justice, universal balance and harmony) can thus be seen as the two basic threads intertwined in the weaving of the complex tapestries of many African pre-colonial societies. On the one hand, since the commitment of offences or more serious crimes was perceived not only as an assault against the safety, security, dignity or welfare of another individual and the group to which (s)he belonged, but also as an act of aggression and destabilization against the natural and social order of which both offender and victim together with their respective communities formed an integral part, therefore, responsibility and accountability for the offences and crimes committed, were also a corporate or communal affair, in the same context.

On the other hand, from the perspective of the generic conceptions as well as in the varied modalities of administration of justice and specifically within correctional services and practices, "torture, killings, and other abuses would be objectionable in terms of Africa's own traditional standards of human rights" (Motala: quote as in Elechi 2004: 13). This is because in the same context, other notions such as the notion of respect, were closely and intrinsically, associated with those of *ubuntu* and *maat* in the broader sense, as generic principles for social control as well as basic norms of ethical behaviour; being the line of demarcation between morality, ethics, spirituality and social normality - including in the justice systems as a whole - a very thin line, indeed. Respect involved respect for oneself and for others, as "very much a part of the normative structure of the legal system", as observed by Marashinge (quote as in Elechi 2004: 12).

Furthermore, it must be emphasized that, as a consequence of a culturally different perspective on the notions of offence and crime associated with the above-mentioned corporate or communal, approach to justice, prisons and other penitentiary institutions were rather an exception and not the norm, in most pre-colonial, African frameworks. As a consequence, *socialisation of correctional services and practices* was rather the dominant norm. In many instances and respects, most institutions of social control were

also/still are, "formal agents of re-socialization" (Elechi 2004: 3), hence providing offenders support through teaching and healing. Chastisement of offenders was thus followed by strenuous efforts to reintegrate them back into the community (Elechi 2004": 22), with responsibilities equally shared between the state, community leaders and society at large, including families, clans, villages as well as age- and gender groups and networks of which offenders were an integral part.

FINAL CONSIDERATIONS

1. Start at our own feet

Pathe Diagne (1981) emphasized that Africa is home to a history of knowledge and institution building – including in the areas of leadership development and the judiciary - as old as the world '. This is a legacy whose singularity should be stressed not in terms of a racial phenomenon as such, but rather as a purely cultural and historical one' (Diagne, 1981: 90). As ancestors of humankind and human Civilization, African peoples have built institutions and produced discourses about their own practices. It is possible to retrace, through space and time, and reconstruct the continuity and the coherence of African thought and legacy and to see them at work in the provision of efficient solutions to many developmental and societal problems, including institution-building and leadership.

Therefore, to contend building or implement a theory of development, democracy or social progress while ignoring this African historical and cultural legacy, would be same as digging under our own feet "a vacuum of several millennium" that could be filled by no discourse or dissertation on human rights, "development" or constitutionalism, learned and brilliant as such a dissertation might be.

2. Relevance of AIJS, capacity-building and mindset engineering

Frustrations and even resentment of victims of serious offences and crimes such as gang rapes accompanied of other forms of qualified violence that may cause almost irreparable physical, psychological and moral damage may arise if principles and values of AIJS are applied to perpetrators of the said offences and crimes. There might be two ways in which to deal with similar challenges in the current judicial dispensation: either to revert back to the extremely punitive logic of Western-inspired justice systems, which entails application of heavy incarceration penalties to offenders

and in some cases death penalties ; or else an option to stick to African philosophies of Law, and judicial norms and values. In this case, a consistent advocacy and education work might be necessary for mindset engineering, to convince victims about the relevance of the option for a more restorative, victim-centered approach to and practice of justice.

In this regard, alliances with youth, women and other civil society organizations, will be critical to build institutional and operational capacities for the dissemination of knowledge about AIJS as a better option to deal with challenges faced by both victims and offenders, including in cases of serious offences and crimes against other African citizens and the social order as a whole.

3. Spirituality, ethics and leadership character development

For leadership character development purposes in the current dispensation marked by a profound crisis of leadership and of leadership paradigms on the Continent, there is a need to centrally reinstate spirituality and ethics in the curriculum for African leadership training, consolidation and development. The relevance of such a pedagogic option would be tested against its capacity to help find solutions to critical issues and challenges of governance and collective survival for the African people, due to the carelessness and sometimes the irresponsibility of certain African leaders who do not hesitate to actively involve themselves in the ongoing plundering of African land and natural resources, with no or very little consideration for the devastative impact of their acts on the future of current and following generations of Africans, including those yet to be born; and in violation of African immemorial codes of ethics, principles and values according to which land and natural resources on it and underneath the ground, are the exclusive possession of nobody, powerful as they may be.

It is still time to, amongst others, correct the wrongs done in this respect, by *returning to the sources* of constitutional principles and values such as the preceding. And by codifying them under the form e.g. of a Pan-African Convention on Land, Biodiversity and Natural Resources to be agreed upon, signed, ratified and implemented by all African States, in order to provide greater protection for the immense but exhaustible African natural resources very much under threat in the current dispensation.

4. Leadership renewal, development and empowerment

There is a *need for leadership preservation, renewal and development.* We must also focus on building "communities of leaders so that the loss of one does not curtail for an instant our progress and growth". We are not talking of Senegalese, Mozambican, Brazilian, Jamaican or South African leaders. We are talking of AFRICAN leaders both female and male from the Diaspora and the Continent as custodians and protective shields of our common future and that of future generations of Africans.

More than anything else, Africa is in dire need of *an alternative paradigm for leadership* that is critically anchored in the best practices and lessons learned out of the achievements, failures and ambiguities of the NEPAD and African Union' generation of leaders and of previous generations including the various components of the post-colonial generation of leaders. The new leadership paradigm must also be rooted in the institutional, political and intellectual legacy of *African Africa*, as Africa's history of institution-building and knowledge production is also associated with a legacy of outstanding leadership.

5. African indigenous languages as shared values and the need for a linguistic de-colonization

"No one can savor a delicacy with someone else's tongue". Nonetheless, **"**It is in European languages that African elites took power/inherited it, exercised it and continue to hold on to it". History has also taught us that no people has ever achieved real freedom, democracy or social progress, using exclusively or predominantly, languages understood by a minority of their members.

Therefore, to overcome ambiguities and shortcomings of the de-colonization process as a whole, cosmetic changes will not be enough. It will be necessary to literally *"grab the bull by its horns"* by defining a concerted pan-African programme and strategy for linguistic decolonization, that will focus on viable institution-building, allocation of sufficient resources and enactment of binding resolutions at national, regional and continental level. Grabbing the bull by its horns means, amongst others, putting in place and implementing language and cultural policies aiming at the "generalization of the practice of scientific and political discourse in African indigenous languages " (O. B.

Yai, 1984), that can only be achieved through an option both towards integral multilingualism and for **mother-tongue education** with particular emphasis on curriculum design and development, relevant didactic contents and materials and enhanced pedagogy.

Consequently, the linguistic issue should be addressed without delay, starting with the current initiative on Constitutionalism and Shared Values, in order to guarantee ownership by African peoples at all levels, starting with the grassroots, of the NEPAD and African Union processes. This entails, among others, the translation of African Constitutions as well as the African Union Constitutive Act, the NEPAD Basic document and those on the APRM, the Peace and Security Council in as many African indigenous languages (AIL) as possible, especially cross-border languages; and an effort to produce future documents in Swahili and AIL, making use of the intrinsic capacities for expression and communication, including for cognitive thought, of our the same AIL

The adoption of *Swahili* as an official language for the AU, opens up promising perspectives for African global leadership to undertake the necessary measures for the generalization of political as well as scientific discourses in African national languages, at all levels. Priority actions and areas of intervention include among others: promotion of AIL in education; development of terminologies on constitutionalism and shared values in AIL; and translation of outcomes of the 6/7 December 2010 Addis Ababa Conference on Constitutionalism and Shared values, in Swahili and (possibly) other AIL, especially cross-border idioms.

In this process, African universities and research centres such as the University of South Africa (UNISA) through the Institute for African Renaissance Studies (IARS) and the Academy of African Languages and Science (AALS), and Pan-African specialized institutions such as the African Academy of Languages (ACALAN) and the Centre for Linguistic and Historical Studies Through Oral Traditions (CELTHO), could bring a major contribution. This includes in particular, designing a long term linguistic policy at continental level and actions of promotion, through research, publications and other media, of the social use of those languages; and implementation of module(s) of

initiation to Basic Swahili, of African Heads of State and Governement, Senior Officials and Ministers, including Army Officials and Diplomats.

Pan-African initiatives and enabling frameworks can be taken advantage of in this respect. They include, among others, the 2006 Khartum Decision, the 2006-2015 Second Decade of Education for Africa, the 2010 African Cultural Renaissance Campaign and the African Union-BREDA Joint initiative for the Promotion of KiSwahili as Language for African Integration.

SELECTED BIBLIOGRAPHY

➢ **The African Union**: Constitutive Act

➢ **Ajayi ,J.F.A.** (1986) :   "L'Education dans l'Afrique Contemporaine: Historique et Perspectives": communication au colloque organisé par l'UNESCO à Dakar (25/29 Janv. 1982), sur le thème: "Le Processus d'Education et l'Historiographie en Afrique". Editions de l'UNESCO, Coll. Etudes et Documents,

➢ **Al Assiouty, Sarwat Anis (**1989.): Origines égyptiennes du Christianisme et de l'Islam, Letouzay et Ané, Paris,

➢ **Amadiume, Ifi:**
   • African Matriarchal foundations: the Igbo Case – Red Sea Press, Jan. 2000
   • Male daughters, female husbands – St. Martin's Press, Inc., Jan. 1987

➢ **Anderson, A.M**. (2003): "Restorative Justice, the African Philosophy of Ubuntu and the Diversion of Criminal Prosecution" – paper presented at the 17th International Conference of the International Society for the Reform of Criminal Law, The Hague, Netherlands.

➢ **Asante, Molefi Kete**
   • Afrocentricity: The Theory of Social Change – Buffalo, Amulefi, 1980
   • The Afrocentric Idea: Temple University Press, 1987

➢ **Bathily, Abdoulaye** (1994): The West African State in Historical Perspective*:* In: Between State and Civil Society in Africa, (edited by Eghosa Osaghae), CODESRIA Book Series, Dakar,

➢ **Battuta, Ibn** 1982 : Voyages, tome 3, Paris, La Découverte,

➢ **Ben Jochannan, Josef** (1974) : The Black Man's Religion. Ed. Alkebu-Lan Books, New York

➢ **Cabral, Amilcar (1973)**: Return to the Source, London [New York], Monthly Review Press

➢ **Chinweizu** (1987): Decolonising the African mind. Lagos: Pero Publishers

➢ **Cissokho , Sekene Mody**: « Problèmes de conceptualisation et de définition en histoire africaine : quelques cas d"institutions sociales et politiques » : communication au Colloque international organisé par l'UNESCO à Dakar (25/29 Janvier 1982) sur le thème « Le Processus d"Education et l"Historiographie en Afrique » ; Edit. UNESCO, Coll. Textes et Documents, Paris, 1986

➢ **Clarke, Edith** (1975): My Mother Who Fathered Me. George Allen & Unwin Ltd, London

➢ **Correia Matos, Maria Leonor** (1965): Notas sobre o direito de propriedade da terra dos povos Angoni, Acheua e Ajawa da provincia de Mocambique, L. Marques

➢ **Carruthers, Jacob H.**:
  • (1994): "An African historiography for the 21ˢᵗ century". In J. Carruthers and L. Harris (Eds.) African World History project: The preliminary challenge. Los Angeles: ASCAC
  • Mdw Ntr: Divine Speech (A Historiographical Reflection on African Deep Thought from the Time of the Pharaohs to the Present); London, Karnak House, 1995

➢ **Castells, Manuel :** Major Dimensions of Globalisation, In : J. Muller et al (ed), « Challenges of Globalisation », Maskew Miller Longman, (pp. 2-21 ; 151-167)

➢ **Diagne, Pathé :**
  • (1981, a) : L'Europhilosophie face à la pensée du Negro-africain - Ed. Sankore, Dakar.
  • (1981, b): Le pouvoir en Afrique In: Le concept de pouvoir en Afrique. Unesco, (pp. 28/55).
  • (1967) Pouvoir politique traditionnel en Afrique occidentale. Paris, Présence Africaine

➢ **Diop, Cheikh Anta**.
  • (1974). The African Origin of Civilization: Myth or Reality (Preface). New York and Chicago: Lawrence Hill Books.
  • (1991) Civilization or Barbarism, An Authentic Anthropology, (Foreword by John Henrik Clark and Introduction). New York: Lawrence Hill Books.

➢ **Do Nascimento, Jose (Ed.)** (2008): La Renaissance Africaine comme Alternative au Développement. Editions L'Harmattan - Paris, Février 2008
  • (1987): Sur la Portée opératoire de l'Oeuvre de Cheikh Anta Diop, published in Revue Nomade # ½, Paris

➢ **Elechi, O.O.** (2004) : « Human Rights and the African Indigenous Justice System ». Paper presented at the 18th International Conference of the International Society for the Reform of Criminal Law, Montreal, Quebec (August 8-12).

➢ **Essome, Kotto**:

  • Débloquer l'invention, la découverte, l'initiative scientifique: In Revue Présence Africaine, No 142, 2ème trim. , 1987.

  • L'Afrique ou l'Identite Perdue(1978,) : L'Afrique ou l'Identité Perdue, a collection of 4 articles in *Revue Science et Vie*, № 731/734, August-November.

➢ **Ferreira, A. Rita** (1966): Os Cheuas da Macanga. Memórias do IICM, Vol. 8.

➢ **Fofana, A., Cisse, Y. Tata & and Sagot-Duvauroux , J.-L (**2003): La Charte du Mande et Autres Traditions du Mali - Texts calligraphied by Aboubacar Fofana, Coll: Les Carnets du Calligraphe, Ed. Albin Michel, (first edition)

➢ **Geffray, Christian** (1985): La condition servile en pays makhuwa. In Cahiers d'Etudes Africaines, N° 100, XXV – 4, pp. 505/535

➢ **Gutto, B.O. Shadrack:** Toward a New Paradigm for Pan-African Knowledge Production and Application in the Context of the African Renaissance. *International Journal of African Renaissance Studies,* Vol. 1, No. 1, 309-326 (2006)

➢ **Gutzmore, Cecil** (1986): Caribbean Woman: Labour and Resistance. Institute of Education, University of London

➢ **Gyekye, K.** (1996): African cultural Values: An Introduction. Accra, Ghana: Sankofa Publishing Co.

➢ **Hotep, U. & Hotep, T. (eds.)** (2003): Dictionary of African centered knowledge. Pittsburg, P.A.:

➢ **Hutton , Clinton A**.: The Logic and Historic Significance of the Haitian Revolution & the Cosmological Roots of Haitian Freedom ; Arawak Publications, Jamaica, 2005

➢ **Hountondji, Paulin**:
  • "La Cooptation: sur Quelques Aspects du Savoir Mondialisé ": texte d'abord présenté sous forme de communication au Colloque "Mondialisation et Sciences sociales en Afrique - CODESRIA/Graduate School of Humanities and Social Science, University of Witswatersrand, Johannesburg, 14/18 Sept. 1998.
  • Unité didactique «Savoir traditionnel et Science Moderne» ; séminaire sur «Recherche et Extraversion », collège international de philosophie, Université de la Sorbonne, Paris, 1988/89.

➢ **James, C.L.R**: The Black Jacobins: Toussaint Louverture and the Santo Domingo Revolution; London, Allison & Busby, 1980 (new edition)

➢ **James, G. M.**: Stolen legacy, Philosophical library, New York, 1954 (ré-impression par Marcus Books, San Francisco, 1976);

➢ **Ki-Zerbo, J**. :
  • (1972) : Histoire de l'Afrique Noire, Hatier, Paris
  • (1981) : « De la nature brute à une humanité libérée ». In Histoire Générale de l'Afrique, Vol. 1. Ed. Stock/JA/UNESCO (pp. 771/786)

Konate, Doulaye:

- Les Fondements Endogènes d'une Culture de la Paix au Mali : les Mecanismes Traditionnels de Prevention et de Resolution des Conflits,, Ecole Normale Superieure, Bamako, Mali

- Experience Malienne en Matiere de Promotion de la Tolérance et de la Non Violence, (communication à la Conference Regionale sur la Promotion des Valeurs de Tolérance en Afrique; Commisssion Nationale Sénégalaise pour l'UNESCO – Dakar, 28/30 Avril 1997

- (1998): Etude sur la Perception Malienne de la Culture de la Paix et des Droits Humains (Rapport Preliminaire des Consultants Nationaux)

➢ **Lehmann, W.P** (1962, 1973): Historical Linguistics: An Introduction, Holt, Rinehart & Winston, Inc.

➢ **Mathurin, Lucille** (1975): The Rebel Woman in the British West Indies during Slavery. African Caribbean Institute of Jamaica

➢ **Magubane, Bernard Makhosezwe**. 1999. The African Renaissance in Historical Perspective, 10-36. In *African Renaissance,* ed. Malegapuru W. Makgoba. Cape Town and Johannesburg: Mafube Publishing Limited and Tafelberg Publishers Ltd.

➢ **Mazrui, Ali A. et T. Wagaw,** Vers une décolonisation de la modernité : Education et conflits culturels en Afrique de l'Est ; Communication au Colloque de Dakar (1982).

➢ **Mbeki, Thabo**. 1998. The African Renaissance Statement of Deputy President Thabo Mbeki. Gallagher Estate, 13 August 1998.

➢ **Motala, Z**. (1989): "Human Rights in Africa: A Cultural, Ideological, and legal Examination". In Hastings International and Comparative law Review 12, 373-410

➢ **Niane, D. T.** (1975) : Recherches sur l'Empire du Mali au Moyen Age. Presence Africaine, Paris.

➢ **Niang, Cheikh Ibrahima**: "La question de l'unité culturelle dans l'oeuvre de Cheikh Anta DIOP". In: Revue PANAFRICA (Revue Panafricaine de Recherche Scientifique et d'Etudes Politiques), # (1) spécial, en hommage à Cheikh Anta Diop, Juillet 1988, pp. 9/27.

➢ **Nabudere, Dani**.
  - Towards an Afrokology of knowledge production and African regeneration. *International Journal of African Renaissance Studies* ,Vol. 1, No. 1, 7-32., 2006.

- Cheikh Anta Diop: The social sciences, humanities, physical sciences and transdisciplinarity: International Journal of African Studies, Vol. 2, # 1, July 2007

➢ **NEPAD** : Basic Document

➢ **Nsereko, N.** (1992): Victims of Crime and their Rights. In <u>Criminology in Africa</u>, by Tibamanya Mwene Mushanga (ed.). Rome, Un Interregional Crime and Justice Research Institute (UNICRI)

➢ **Obenga, Theophile**.
- Africa in the 21st Century: Integration and Renaissance. Paper presented at the First Conference of Intellectuals from Africa and the Diaspora. Organized by the African Union, Dakar, 6-9 October 2004.
- The African Philosophy of the Pharaonic Period: *-2780-330*. Senegal: Per Ankh

➢ **Onwuachi, C.P.** (1977): African Identity and Ideology. In <u>Festac 77</u>. London, African Journal Ltd.

➢ **Price, Richard**: Maroon Societies, Ed. Doubleday Anchor Books, 1973

➢ **Robinson, Carey** (1969): The fighting maroons of Jamaica. Ed. Collins & Sungster (3rd re-impression: 1974)

➢ **Rodney, Walter**: How Europe underdeveloped Africa: Bogle-L'Ouverture Publications, London, 1972 (Reprint: 1973, 976, 1978, 1979, 1981, 1983)

➢ **Ron Karenga, Maulana**

  ➢ 1987: Communication at the FESPAC Colloquium, Dakar, Jan. 1987
  ➢ The Book of Coming Forth by Day: The Ethics of the Declarations of Innocence; University of Sankore Press, Dec. 1990
  ➢ Reconstructing Kemetic Culture; University of Sankore Press, reprint edition, Dec. 1996

➢ **Soulié, B.** (translator) : Le Livre des Morts: Productions Liber/Editions Minerva, Genève, 1979; 1984.

➢ **Stiglitz, Joseph:** Globalization and its Discontents, W. W. Norton & Company

➢ **Tsemo, Sihaka** (1988): Droit Pénal Traditionnel au Cameroun et Problématique d'une Nouvelle Conception du Droit Africain, Doctoral Thesis, University of Strasbourg III.
➢ **Tsemo, Sihaka** (1993): « <u>Résolution des Conflits dans les Sociétés Africaines Traditionnelles et Approche Juridique Moderne</u> », communication au séminaire « Les Conflits : Comment les Résoudre ? » Goethe Institut, Yaoundé – Cameroun

➢ **Tsemo-Mboup, Sihaka** (2004): « Context Presentation on Access to Justice », SADC Chief Justices Conference on Human Rights, Kasane, Botswana, 5-7 july 2004.

➢ **Tshiyembe, Mwayila** : Etat multinational: le défi de la renaisance politique de l'Afrique au XXIème siècle", paper presented at the "Colloquium on the Idea of an African Renaissance organised by PAARI & ARPEMA – Paris, ACCT, Feb. 2000

➢ **UNESCO** : "Le peuplement de l'Egypte ancienne et le déchiffrement de l'écriture meroitique": actes du colloque du Caire, jan. / Feb. 1974, Collection "Etudes et Documents" # 1, 1978.

➢ **Van Sertima, Ivan**: (1984, 1985) (ed.) : Black Women in Antiquity. Transaction Books

➢ **Williams, Eric (1968) :** Capitalisme et Esclavage, Ed. Présence Africaine

➢ **Yai, Olabiyi Babalola**

(1983) : Elements of a Policy for Promotion of National Languages – Report prepared for the

Government of the People's Republic of Mozambique, UNESCO, Paris

1984 : Communication to the Colloquium on Ethnonyms and Toponyms (1978), UNESCO, Collection Etudes et Documents.

➢ **Mboup, Samba Buri:**
   • "Challenges and stakes in the Africanisation process of research, scholarship and university curricula in the context of African Renaissance: Pan-African Journal Waar-Wi # 2, Dakar-Senegal, Aug./Sept. 2006
   • Conflicting leadership Paradigms and Need for an African Renaissance Perspective …": first presented as lead paper, NEPAD E-Schools Stakeholders' Conference, E-Africa Commission, Ekhuruleni (RSA), 15th – 18th April 2008; published in IJARS (International Journal of African Studies), Vol. III, # 1, UNISA, July 2008
   • An essay published on 12th February 2008, by Editions L'Harmattan (Paris), in a collective book on African Renaissance ; edited by J. Do Nascimento: - "Recherche Scientifique, Réflexion Politique et Renaissance Africaine" (Third Part, Chapter III: pp. 141/196);
   • International consultancy for the establishment of a National Programme on Governance, Education to the Culture of Peace and Human Rights in Mali; UN General Secretariat mission within the framework of the RAF/97/025 Project - Capacity Development for Social Reconciliation: DESA/UNDP, New York : July/August 1998 (first mission); November/December 1998 (second mission).
   • A Vision of African Futures at the 2035-2040 Horizon: Major Trends, Benchmarks, Opportunities and Challenges – A Prospective Study on Sub-Saharan Africa in the Era of Globalisation": Dept.of Foreign Affairs of the Republic of South Africa (Policy, Research And Analysis Unit): April-July 2007;
   • - *"Cultural Identity, Democracy or Muntucracy ?" the limitations of the Western model and the necessity for an African perspective* : paper presented at the International Seminar on

Democracy, Yaounde, Nov.1994 ; published in "Democraties Africaines", magazine of the African Institute for Democracy, N° 2, Dakar, July 1995 ;

- *"Status and role of the African Woman, from yesterday to tomorrow - for a critical re-appraisal"*: contribution to the program "Magazine da Mulher" (Mozambican National TV): serie of essays jointly published in Luanda by Acção Angolana para Desenvolvimento & the Angolan Ministry of Family and Promotion of Women (March, 1999); first published in SENDA Magazine (Maputo, Mozambique), January 1992;

Websites:

- http://www.ankhonline.com
- http://www.africamaat.com
- www.nepad.org
- www.africa-union.org