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Editor's Introduction

This journal, nearing its 45th year of continuous publication, continues to display the multi-disciplinary aims of its founders. The focus on Africa has remained constant throughout but certain intellectual formulations have been resisted, so that it is best understood neither as an example of the once fashionable field of area studies (despite its geographical identity) nor of the still fashionable if declining field of globalisation studies (despite its many articles dealing with the intersection of the global and the local). ARAS is better seen as a journal that documents for one large and crucial area of the world those themes that are playing out everywhere in the global South. Thus its pages offer research based analyses of the penetration of capital, and associated regimes of property ownership and broadly of law, into traditional societies; in some instances, of the rise of comprador classes; in very many instances, of cases of resistance to such tendencies; and, not least, of efforts to build sustainable societies based on sound (that is, not corrupt) public policies. The analyses that are found in this journal can have wide applicability to other regions and periods of the world, making them a component of critical studies more generally.

In this edition, Dolcerocca documents the recent history of 'land grabbing' in Burkina Faso involving local as well as foreign actors; Ngendakurio shows through a series of interviews how foreign aid in Kenya ambiguously assists some and not others; Deng shows that the codification of customary law has settled problems for some sections of Sudanese society; and Asraoui and his associates examine in detail a Moroccan census, finding some problems and offering remedies for policymakers. The final paper by Salemot is not an analysis like the others but a listing of African studies centres throughout the world - the first time this has been offered we believe. It is instructive that such centres are found almost entirely in the North and seldom in the global South, suggesting that the themes of North-South relations are well seen by some scholars, including expatriates, but have not as yet issued in strong organisational links of research and scholarship in the South itself. Of course, we might say that this is a consequence of relations that make the people of the South subjects rather than actors, a situation that critical scholarship challenges and seeks to change.

Geoffrey Hawker



Varieties of Land Grabbing and Resistance in Burkina Faso

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In the context of a renewed global food price crisis, this article provides a timely examination of the mechanisms behind the global wave of land grabbing that accompanied the last food crises of 2008 and 2012. According to FAO's food price index, the 2021 surge in global food prices went beyond and above the one observed in the double peak of 2008 and 2012, and the 2022 food prices, at the time of writing, promise to reach even higher levels given the foreseeable tensions on wheat markets. In 2008, the global surge in food prices led numerous governments and transnational corporations to strike large land deals with countries of the Global South to secure their food supplies in the medium to long term. This trend, which occurred throughout the Global South, was dubbed as land grabbing, land rush or large-scale land acquisitions (Borras and Franco 2012; Edelman et al. 2013; Alden Wily 2012b; 2012a; Akram-Lodhi 2012).

Although "land grabbing" is a long-standing phenomenon which can be traced back to colonisation, researchers generally refer to the term to designate the accelerating trend towards large land deals in the Global South which occurred after the global food crisis of 2007/2008. Some of these projected land deals made international headlines: the 99-year lease agreement between Daewoo and the government of Madagascar agreeing to a transfer of control over up to half of all arable land of the country (Walt 2008). Although Burkina Faso is a land locked country with poor infrastructural access to global markets, it has not been spared by the global

¹ I thank the anonymous reviewer for their insightful comments, which greatly contributed to improving this paper. All remaining issues are mine only.



land grabbing wave. Why and how does land grabbing occur? The dispossession of land to which the peasantry had access for decades or centuries is the result of complex and combined mechanisms: world food markets and global corporate interests, local political will (or lack thereof) and interests, power relations between the peasantry and local or national administrations, the regime of ownership on rural land, and so on. This article studies these root causes by focusing on the Burkinabe case and examining it through the prism of legal pluralism, and the diverse ways that state property and commons (here understood as customary or neocustomary (Boone 2015) ownership) interact, arguing that these (largely conflictual) relations are what enable land grabs to happen on such a large scale.

The history of conflicts between these two ownership regimes dates to the beginning of the French colonisation. If the 1955 decree recognising customary property in the *Afrique Occidentale Française* (AOF) paved the way for reconciliation, successive post-independence governments, regardless of their political orientation, only deepened the contradictions between the State property and customary ownership. It was only in the late 1990s that we see the emergence of a trend in African states to recognise customary property rights. Burkina Faso joined the movement with the 2009 Rural Land Reform and the 2012 Agrarian Reform. However, as this article illustrates, these ambitious reforms did not translate into a radical transformation of the relations between state and commons on the ground. Instead, the dialectics of dispossession and resistance, observed since the beginning of the colonial period, still operate, although in evolving and novel forms: while the state was arguably acting as steward of the national land until the 1980s and operated customary land dispossession largely for developmental purposes, since the 2000s customary property in rural Burkina has been hit by new forms of dispossession driven by profit. Despite Burkina Faso's landlocked geography, for the past twenty years, the State, national and transnational corporations, as well as their associated actors have undermined, circumscribed, or destroyed the commons without much accountability or justification.

Although the height of antagonism between state property and the commons was reached during the colonial era and under the revolutionary period of the National Council of the Revolution (from 1983 to 1987) (Speirs



1991; Tallet 1989), today one observes a renewal of tensions between the interests of customary rights holders and those of the state broadly defined, as a result of the global wave of land grabbing (Dolcerocca 2022). In Burkina Faso today these tensions erupt under the shape of three main processes, examined successively in this article. First, large development projects together with a mining boom have triggered a wave of expropriation by eminent domain whereby peasants since the mid-2000s have been displaced by the state on a massive scale with little to no compensation, and with questionable developmental results. Second, economic, administrative, and political elites from major urban centers (locally dubbed *nouveaux acteurs*, or “new actors”) have engaged in large rural land acquisitions, often for speculative purposes, at derisory prices since the late 1990s, with the tacit approval of state services. Finally, in the wake of both the decentralisation and the rural land reforms, the state rediscovers and reaffirms the ownership of its public domain on land that has often been *de facto* occupied and exploited for decades (Tallet 2009), triggering a re-emergence of conflicts and the dispossession of land.

Land Grabbing by Eminent Domain

In recent years, the Burkinabe State has used the procedure of eminent domain on rural land for two main purposes (in terms of land area): for agricultural modernisation and for gold mining. The mining industry has benefitted from large transfers of land for ore prospecting purposes (in 2017, close to 20% of the total area of the country had been assigned to prospecting permits, a colossal area that has since decreased), hence threatening to significantly reduce available arable land in a country where pressure on land has been rapidly increasing (COPAGEN 2012). In the agricultural sector, similar processes are at play with the creation of “poles of growth” around large hydroelectric dams. These areas are destined for the growth of the agribusiness industry on land that has been under customary ownership. In both cases, compensations are below the initial promise or non-existent, and delays and discontent are widespread (Ouattara and Kani 2022).



The procedure for eminent domain includes a study of impacts of the project on the population and the environment, followed by the classification of certain areas as being “of public utility” (*Zones d’Utilité Publique*), eventually leading to the expropriation of the owners of the land, but the key feature of eminent domain is probably the compensation that is to be delivered to the dispossessed landowner. It is this compensation that fully acknowledges them as the former owners of the land. Although this procedure is well known and described in detail by the law, state administrators and politicians often bypass one or several of the essential steps of the process, and in effect confiscate land from local populations with little to no consultation or compensation. Such use of eminent domain without providing compensations to customary land holders illustrates how the state is considered as owner of the land still today, although customary rights on land have been fully recognised since 2007.

“Poles of Growth” (“Pôles de Croissance”)

It should not come as a surprise that one of the main processes whereby the State dispossesses peasants from their land is called “pole of growth.” These consist of irrigated areas created on arable land surrounding large dams (Dialla 2002). They are mainly intended for lease to agribusiness corporations, to promote the “modernisation” of the agricultural sector. Burkina Faso has two main poles of growth: the two dams of Bagré and Samendeni. Each has irrigation projects downstream, as well as a vast surrounding area which the state declared a Public Utility Zone, and susceptible of expropriation. In both instances, the purpose of the project was to foster the development of intensive agriculture (Kabore 2013). The two projects are at different stages of development: the Samendeni project has been plagued with delays and issues and is not yet operational although populations have already been displaced, while Bagré is already functioning. However, in both cases, locals complain about the inadequacy of the compensations received. This is reminiscent of the case of the mining boom, whereby State administrators behave as if the proximity to the project, and



the opportunities it provides to locals, constitute in themselves a large enough compensation.

What is now called *Bagrèpôle* (or the *Bagrè Pole of Growth*), is a project of agricultural development around the dam of Bagrè (South East), which is carried out in line with the World Bank's development policies. The project, led by a public/private partnership, aims to promote the development and modernisation of agriculture through the intervention of the "dynamism of the private sector" and the development of agribusiness. The project is located on 500,000 hectares that was declared an Area of Public Amenity (*Zone d'Utilité Publique*) by governmental decree in 1998. The declaration of public amenity (*déclaration d'utilité publique*) constitutes the last legal act in a procedure of expropriation, hence officialising the transfer of land into the public domain of the state.

The construction of the dam was initiated under the revolution when all land was considered state property. The area was managed by the state, which provided collective compensations to displaced peasants and built new villages to relocate the populations. In 2008, or fourteen years after the completion of the dam, the state finally developed 3,380 hectares of irrigated land that were distributed to displaced populations in plots of 0.75 to 1 hectare of irrigated land, which is hardly enough to cover the needs of a family who owned ten hectares or more before the relocation². Close to 60% of the total irrigated area is destined to agribusiness and by 2019, 108 "agro-investors" had joined the project. Before the irrigation infrastructures were in place, the average yield was four tons per hectare. The initial objectives of yield improvement were reduced from 6.5 to 5 tons per hectare, i.e., a mere 25% improvement in productivity. In the meantime, between 4,000 and 5,000 people have been directly impacted by the project, whereby their housing, fields or both were confiscated. In 2019, hundreds of peasants were still left without land or were insufficiently compensated, since the initial evaluation of yield increase had been overly optimistic.

² Interview at the *Confédération Paysanne du Faso*.



Bagrépôle is a particularly interesting case because of the discrepancies between the official narrative of success story and the reality described by peasants and unions on the ground. In the governmental and media narrative (in stark contrast with the disastrous case of Samendeni), it constitutes the ideal case of a modern, efficient, and just development project that follows the standards of international organisations with a rigorous social and environmental impact study, and adequate compensations for internally displaced populations (Ouattara and Kani 2022). Nonetheless, on the ground and among civil society organisations, the project is widely criticised for its lack of transparency, its enthusiasm for intensive agriculture, and as well as its failure to fulfil some of the promises and assurances given to peasants, particularly in terms of the land promised for compensation.

The Burkinabe Mining Boom

The first main phenomenon whereby the state dispossesses peasants from their land under the pretext of development is in the mining industry, with a boom in industrial mining that started in 2007. In less than ten years, mining output was multiplied by more than 20 (from US\$17,5 million in 2006 to US\$348,9 million in 2015). In 2019, Burkinabe gold exports represented 71% of all national account exports.

In Burkina Faso, mining encompasses two very different activities, both linked to the extraction of gold: traditional gold mining and industrial gold mining. Traditional gold mining in Burkina Faso has existed for centuries along the Mouhoun (Black Volta) river. Despite artisanal gold mining being restricted in favour of agricultural production under the Sankara government, the practice persisted (Luning 2006). Burkina Faso has witnessed one of the fastest episodes of growth of mining industry in history: in less than a decade, it became a mining giant in Africa. In 2007, Burkina Faso had only one old semi-mechanised gold mine in Poura, opened in 1934 (reopened intermittently in the following decades) that had fallen into disuse. By 2012, six gold mines had opened. Today, the country counts more than fourteen gold mines scattered all over its territory, producing 36 tons of ore per year. The 2003 mining code was designed to attract foreign investors, and as a



result contained particularly lax environmental or tax regulations. The revised Mining Code of 2012, however, is more in line with international standards and regulations when it comes to containing minimal safeguarding measures for the environment and local populations.

Yet, Burkina Faso's gold mining, like most of the gold mining industry in newer markets, is made of small venture corporations with limited capital (junior mining). Such high-risk high-gain business model is highly dependent on short-term profits. These companies hence look for new mining frontiers like Burkina Faso today, in hope for quick return on investment and high profit margins (Luning 2020). This kind of "low cost" business strategy (as advertised in those terms on NordGold's website,³ for example) has negative repercussions on their approach to "corporate social responsibility": from environmental protection (such as regular inspections of the sealing of cyanide basins) to the compensation to local populations for the loss of their activities. There is a striking discrepancy between what locals are being promised (in terms of economic development, dwelling, employment, etc.) in order to convince them to leave their land behind, and what mining companies actually deliver. The promised schools, mosques, churches, or dispensaries seldom materialise at all; and local employment is marginal, in spite of promises (Drechsel et al. 2019).

After the revision of the Mining Code in 2003, the state was complicit in a vast scheme of dispossession of land from customary holders, in favour of foreign mining companies: permits of exploration and extraction were delivered in unclear conditions, without any study on the environmental, economic, or social impact of any of these mining projects. Since the beginning of the mining boom, the state delivered prospection permits for an estimated 5.5 million hectares of land. This represents 20% of the total area of the country and is equivalent to the total area of arable land (COPAGEN 2012). Only a portion of that vast area under prospection will be suitable for mining, but the mining boom and its associated land dispossessions (despite the lack of estimates on the total area of lost agricultural land) bear heavy

³ NordGold owns the Bissa gold mine deposit (*Boucle du Mouhoun* Region)



social and economic consequences, not only at the local but also at the national level.

Gold Mining, Empty Promises and Resistance

The population of Burkina Faso was not familiar with the mining industry when the works on the first mine started at Youga in 2007. While people initially welcomed the opening of gold mines around the country, they quickly realised that they had overestimated their expectations in terms of local economic development (Pokorny et al. 2019). The opening of the first industrial mine in 2008 in Youga (Southeastern Burkina – Boulgou Province), owned by Burkina Mining Company at 90% was welcomed positively by the local population: promises of economic development, employment, and infrastructures more than counteracted, it seemed, the loss of agricultural land. But by January 2009, a few dozens of residents of Youga blocked access to the mine in protest of the alleged pollution of the nearby river by leaks in the cyanide pools. Villagers reported that several cows died inexplicably downstream, just on the other side of the border, in Ghana.

In the village of Essakane (Sahel Region), 500 meters from the site of the Essakane gold mine, three children were intoxicated (two of them died) and dozens of cattle died (cows, sheep and goats). Animal carcasses were incinerated immediately, and no conclusive link was ever made between the mine and these deaths, but the population of the village remains convinced of the mine's responsibility and suspects a leak in one of the cyanide pools (Porgo and Gokyay 2017). If such environmental disasters seem to remain exceptional and accidental, rather than resulting from deliberate practices, the destruction of arable land by mining sites constitutes a more pernicious and worrying issue. In a country where available arable land becomes an increasingly rare resource, and where a significant portion of the population suffers from chronic malnutrition in the Sahelian zone, the consequences of the destruction of thousands of square kilometres of arable land remain unknown, and potentially disastrous.

Finally, at the Bissa Gold mine, in June 2016, villagers rioted, entered the mine, and burned down or destroyed most of the machinery. The police



intervened and cleared protestors. Lately, in August 2021, the inhabitants stopped all operations at the mine to demand that the long-promised construction of the church begin (LeFaso 2021). There are frequent reports of such cases of protests around mines due to either lower-than-expected compensations or environmental damages. In these conflicts, the state plays a rather unambiguous role: it protects the interests of the mining corporations by ensuring that protests are being repressed. Customary authorities are always involved in such conflicts between the state and customary right holders, either on the side of the resistance against the state, or as intermediaries and negotiators in the resolution of the conflict.

Both forms of land grabbing by eminent domain, first for irrigated agricultural development, and then for industrial gold mining prospection, illustrate how peasants in Burkina Faso have been dispossessed of their land and displaced by the state, often with inadequate compensation. These procedures are justified by a developmental horizon promised by gold mining or irrigated agriculture, but this form of development, while benefitting some of the corporations and employees directly involved, leaves behind the rest of the population, who often must live under harsher conditions than before.

Elite Land Grabbing

A second mechanism of land dispossession in Burkina Faso consists in land acquisition by “new actors” (*nouveaux acteurs*), or what we could call elite land grabbing, whereby private individuals who live in the main urban centers buy land for investment purposes. In Burkina Faso, “*agrobusiness*” (agribusiness) was heavily promoted and encouraged by the state starting in the second half of the 1990s, with the purpose to engage in a process of modernisation of agriculture, in parallel to other similar efforts such as the poles of growth. Land acquisitions by ‘new actors’ emerged in parallel to agribusiness in the late 1990s and accelerated in the 2000s. These new actors consist primarily in Burkinabè nationals, with limited number of foreigners. These private land acquisitions are locally qualified as land grabs (*accaparements de terre*) and often conflated with state dispossession through eminent domain because the central question in Burkinabè research



nowadays is that of the rising pressure on land, with both processes being equally worrying in a context of increasing tensions around arable land and other natural resources (Bouju 2020).

Indeed, in Burkina Faso, except for the case of ‘poles of growth’ studied above, the process of agricultural land grabs is not formally state-led, contrary to the textbook processes encountered in other African countries, where the state uses its claims to ownership of the land (against customary land holding rights) to lease large areas of arable land to corporations for cash crop production. Such schemes require large amounts of “available” land and most of all, because production is going to be exported, it requires transport infrastructures or an easy access to the open seas. However, Burkina Faso, a landlocked country with a limited area of highly fertile lands, does not fit into this classical narrative of land grabs, and is relatively shielded from the state-led large-scale dispossession that have been witnessed especially in Eastern Africa (Edelman et al. 2016; Dell’Angelo et al. 2017; Akram-Lodhi 2012). Nevertheless, this form of elite land grab constitutes a major issue in Burkina Faso today. While they may not be conducted directly by the state, the state is responsible for them indirectly: land grabs are conducted by a Burkinabè elite, locally known as ‘new actors’ (*nouveaux acteurs*) who are in close connections with the state officers regulating land sales, and therefore benefit from the inaction, if not the support, of the state apparatus for acquisitions that are often abusive.

What researchers call *nouveaux acteurs*, or “new actors”, correspond to a category of city-dwelling members of the administrative, political, or economic elites that acquire large areas of agricultural lands from peasants. Under customary rules, land is sacred and inalienable, and land transactions occur via loan/gifts when an owner has unused land and someone (typically internal migrants) ask for land to settle to ensure their subsistence. ‘New Actors’ do not fit that model. They are often originally from the village in which they buy the land but are settled in the city. They seldom have any previous experience in agriculture, and do not need the land for their subsistence. These types of transactions are somewhat new and are marked by a glaring imbalance between buyers and sellers when it comes to the level



of knowledge of their rights, the value of the land, or the implications of the transaction. The emergence of the new actors has radically transformed land transactions in customary law: from a loan/gift with a somewhat symbolic offer from the “buyer” (or the borrower/receiver), transactions have become increasingly monetary and land prices have skyrocketed under the pressure of numerous and wealthy buyers.

Contrary to the often-simplistic situation described in classic cases of land grab, whereby large-scale land acquisitions by local or foreign entities are facilitated through the state claiming rights on land, the reality behind the term “new actors” is complex: people who buy off large amounts of land from the peasantry may have different backgrounds and assume different objectives for their acquisition. In the regions surrounding Ouagadougou, the fertile lands of the south of the country that are easily accessible from the capital have been bought off by ‘new actors’ since the late 1990s. It started with the province of Ziro, then Sissili (both located south of the capital) and most recently, the province of Ganzourgou (east of Ouagadougou) have started to attract the interest of investors. All these provinces are rural and, before the land acquisitions, disposed of large reserves of arable land (S. Ouédraogo 2006).

As established by a large study conducted by the *Groupe de Recherche et d'Action sur le Foncier (GRAF)*, in the province of Ziro, 41% of land buyers are senior state administrators and 31% of them are senior executives from the private sector. The remaining 28% are from a wide array of professions, such as doctors, professors, and artisans to clerics (GRAF 2011). Only 8% of the new actors interviewed acquired land before 2000 and almost all of them live in Ouagadougou. This goes to confirm that this is a very recent phenomenon, which started to emerge only after the growing commoditisation of land in peri-urban areas and is driven primarily by members of the elite living in the capital, disproportionately state administrators and politicians, or entrepreneurs. They have little to no experience in agricultural production, and a number of them do not intend to engage in agricultural activities at all, as demonstrated by acquired land left fallow, particularly in the Ziro province (Zongo 2010; 2011).



The government initially turned a blind eye to the “new actor” trend and saw it even positively as part of the agribusiness turn of the early 2000s. Indeed, the hope was that buyers would make investments on the land and improve it, thereby increasing productivity⁴. However, only a very small proportion of the farms meet this objective, and an astounding 60% of the land acquired is left unexploited (GRAF 2011).

This development of large-scale capitalist agriculture certainly signals a penetration of the capitalist mode of production into a rural world that was primarily centred on subsistence agriculture and small commodity production. The consequences of this on the customary regime of land property were immediately clear. As investors (regardless of their intentions, whether it is to produce agricultural goods, or merely for land speculation) bring capital to rural areas that had been almost entirely deprived of it, and express their willingness to acquire land, customary rules that would not allow such transactions to go through may not keep up much longer. Indeed, as the government started to promote agribusiness, the solid line that separated land gifts/loans from land sales (the latter is contrary to customary law, while the former is authorised when a foreigner/migrant requests land to settle in a village) is blurred, until the present situation in which “land gifts” really constitute land sales.

Therefore, a widely shared diagnostics among policy makers, academics and activists in Burkina Faso is that pressure on land has been mounting to unsustainable levels, and that new actors are largely responsible for the worsening of this situation. Although there are no official numbers available, the *Confédération Paysanne du Faso (CPF)*⁵ claims that the number of

⁴ While many of these transactions concern areas between 20 and 100 hectares (60% of the total area reviewed in the Ziro province, according to the GRAF study), smaller areas (less than 10 hectares) may also constitute a target for investors, while very large areas (sales for up to 800 hectares were registered) although rare, represent however 20% of the total land in question.

⁵ The main peasant union of the country.



landless peasants has been growing alarmingly and that the first signs of social unrest resulting from it are increasingly visible.

“New actors” and new forms of resistance

Patterns of resistance to land grabbing by “new actors” takes two main forms: “double sales” and violent repossession. What is called a double sale occurs when a customary landholder sells some land, and later, other family members, who also had a right on that land, request their share of the sale from the buyer, effectively forcing her to buy the land twice (or many more times), each time from a different relative. The most common case of double sale is the case in which the initial transaction was genuinely considered as a loan by the customary owner (and by the customary authorities of the village), while the buyer considered that they had bought the land and therefore owed no future payments to the landowner. Following the death of the customary owner, descendants may seek to end the loan in order to cultivate the land. The ‘buyer’ then has no other choice than paying for the land, again.

The other form of resistance emerges when the buyer is unwilling to renegotiate the sale or gift/loan via a “double sale.” Claimants to landownership may then resort to violent means to achieve their objectives: either renegotiation or repossession. This phenomenon has so far been largely limited to the province of Ziro, and on small to medium sized land acquisitions (between 10 and 30 hectares), and is performed by *koglwego* groups: a self-defence group composed of young men from the family and their acquaintances surrounds the property, blocking access to it, if it is currently being cultivated, or simply taking possession of it if it is vacant, which is often the case (Frowd, 2022). The final objective of these repossessions remains unclear. It appears that in certain cases, the only purpose of such operation is to obtain more money from the buyer under the pretext to finalise the sale. In that case, we this is what we could call a coerced double sale. Nevertheless, in other cases – the overwhelming majority, according to the CPF – youth conduct these operations after failed attempts at migrating to the city and working in the informal sector. They come back



to their village, find the land where they had planned to settle has been sold to a new actor, and retake possession of it. This form of land repossession is nothing but the reaffirmation of the lineage's customary claims on land against the formal private property regime.

These types of land rush and conflicts between peasants and new actors, whether they take the shape of a mere renegotiation of the sale or turn into a violent confrontation that ends with a repossession of the sold land, illustrate the tensions between two parallel property regimes, whose modalities are hardly reconcilable.

Reform Grabbing

The third form of land grabbing in Burkina Faso today is what I call "reform grabbing". This form of land grabbing stems from a situation of legal pluralism in land ownership, whereby two competing property regimes on rural land have been coexisting for decades. In Burkina Faso, customary rights were always tolerated in practice, even in the revolutionary period between 1984-1987 when all land was nationalised. As a consequence, until the latest land reform in 2012, land laws were based on legal principles largely inherited from colonial time aiming at the individualisation and registration of land ownership, while land transactions continued to be regulated following customary practices (B. Tallet 2009; Gbaguidi 1997; Lund 2001). This created a situation of legal pluralism whereby different, seemingly irreconcilable, legal norms coexist. This superposition of different levels of contradictory legal norms has one main consequence: a general insecurity when it comes to land rights. For instance, if a migrant obtains a plot of land for their subsistence via a loan/gift transaction under customary rights, they have no guarantee that the lender or his descendants would not, at any point in time, contest this customary transaction by appealing to statutory land law.

Today, following the 2012 reforms, landholders in Burkina Faso are still faced with a situation of legal pluralism. The state now recognises customary rights, but not all, as virtually all land is under a customary claim and the State would then be renouncing all its claims on land. Instead, the reform



implies that all pieces of land either fall under State property (i.e. the public domain) or under customary ownership. This requires arbitration to settle which land is in fact owned by the State and which is not. Although this is clearly stated in articles 13 and 14 of the 2012 reform, the State appears to be incognisant of the extent of its own public domain, which considerably complicates the task (Dolcerocca 2022).

Colonial authorities asserted by way of decree their property over large swaths of land, mostly, but not exclusively, forests. After independence, the State kept these claims unchanged but did not effectively use them. If numerous natural reserves have been officially declared, with property titles delivered to the state once the decree of reservation is published, maps showing their exact delimitations have often not been updated since the decree (in most cases, in the 1930s). The immediate consequence of these practices is that there is no service in the state bureaucracy that can precisely ascertain the extent of the State's public domain. Following decades of deforestation and anthropisation, forest limits are obsolete, and no longer correspond to the reality. Infrastructural works realised by the state are devoid of property titles that would ensure their registration in the cadastre and are instead scattered between different directorates (water, animal resources, agriculture, etc.) (D. Ouédraogo 2014).

Despite this situation, the 2012 land reform requires that the state take stock of its domain, obtain property titles for each developed or improved area, and update maps for its forests and natural reserves. The crucial aspect of the reform is that this process of the inventory of State land necessarily triggers a reaffirmation of state ownership of land that it had abandoned or neglected for decades, particularly protected forests. Although this process is in its initial stage, and its final outcomes remains uncertain, such return of the state will certainly create or exacerbate existing tensions or conflicts with local populations and customary authorities that have owned and managed these lands exclusively for decades.



The 2012 Land Reform and Power Relations over Competing Land Claims

As in most experiences of land reform, peasants and customary authorities tend to be suspicious of State officers and institutions conducting an inventory of the land and its owners. This is hardly surprising given the tendency of State authorities, both during the colonial period and the State-led development period after the independence, to disregard customary ownership and confiscate land. Survey officers then must be convincing and repeatedly explain the reform to reluctant peasants, a process in which the facilitating role of customary authorities is indispensable.

In addition to this form of passive resistance from below to the implementation of the reform, one observes another form of resistance, so to speak, from above: the implementation of the law by local State officers who overinterpret the text in favour of the State. While public land until recently was the exclusive property of the central State, the 2012 land reform establishes a “territorial public domain” devolving public domain ownership to local and regional state authorities when more relevant. The territorial public domain is to be constituted through retrocessions of the state’s public domain to territorial collectivities. Nevertheless, at the time of writing, no such transfer of competence (nor financial means) to territorial collectivities has yet been implemented. With the state still in the process of identifying and registering its own domain, retrocession of state property to decentralised authorities is still a distant prospect.

In the meantime, some collectivities find alternative ways to constitute a public domain of their own and some local officials decided to resort to other means to constitute ‘their’ domain without waiting for retrocession, by transferring some of the land that is governed under customary tenure under the territorial domain. In a municipality of the *Centre-Ouest* Region, the rationale presented behind this action is that the municipality will need land for future projects such as the construction of public building (Dolcerocca 2016). It therefore proceeds to eminent domain in anticipation of future needs, a procedure that is non-existent in the law and that illustrates the deeply ingrained perception that state services have of land property, and of the relations between State and customary ownership.



Conclusion

In the last twenty years, land grabbing in Burkina Faso has been driven by three central processes. First, land grabbing by eminent domain: large scale land acquisition whereby the state appropriates rural land to sell or lease to private corporations, typically for commercial, export-oriented farming, or for gold prospecting and mining. Second, elite land grabbing: in these instances, small or medium patches of rural land located close to major urban centers are bought by wealthy urban elites, largely for purely speculative purposes. Third, what I call “reform grabbing” consists of the somewhat unintended but arguably unavoidable consequence of the rural land reform enacted in 2012: as the state recognises customary rights on land and state services determine where to draw the line between areas under state property and under customary ownership, some customary claims (particularly on forests) will be rejected by the State as it reasserts its public domain and redefines its boundaries. These three different mechanisms of land grabbing give rise to the concretisation of power relations in the form of conflicts between customary owners and the State, in a two-sided process: on the one hand, how the state dispossesses or allows the dispossession of peasants from the land they own; on the other, how the peasantry resists the redefinition of land rights.

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The Practices and Processes of Foreign Aid to Africa: A Kenyan Case Study

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Abstract

Kenya is used as a case study in this study of foreign-aid practices and processes. The qualitative research methodology employed involved face-to-face interviews with Kenyan residents who have direct knowledge of foreign aid and were willing to share their perceptions of its effectiveness in alleviating poverty. The main barriers identified included corruption, bureaucracy, and donor fatigue. The study examines the proposed ameliorative suggestions for foreign-aid processes recommended by bypass theory; that is, funding non-governmental organisations (NGOs) that operate directly in the field rather than giving funds to government agencies to avoid corruption. There are, however, problems with the engagement of NGOs in Africa. Bypass theory in practice neither allows citizens to hold their governments to account nor does it help find long-term solutions to alleviate poverty, which enhances the downward spiral toward chronic aid dependence.

Key words: poverty, corruption, foreign-aid fatigue and dependency, foreign-aid bureaucracy, bypass theory.

Introduction

There are those who argue that the international community has gradually enhanced its commitment to strengthen the unity of the human family and global norms (Barbour & Gorlick 2008, p. 534). For example, a range of inter-governmental and non-governmental organisations have been created to collectively tackle major economic and security threats (Hurd 2011, p. 2). It is also claimed that wealthy countries have expanded the



promotion of human rights beyond their territorial boundaries, helping the poorest countries to attain sustainable development through bilateral aid (Pratt 1999, p. 306). Kenya is a major recipient of such aid (McCormick & Schmitz 2011, p. 156). However, the assumption that wealthy countries are unreservedly willing to uplift the weakest in the chain is naïve. Dominant powers, many observers have also argued, do not operate in the economic interests of anyone but themselves. They are prepared to do whatever it takes to maintain the balance of power and reduce incentives for the weak players to engage in revolutionary behaviours. If they make concessions to poorer nations, it is for self-survival reasons (Griffiths & Sullivan 1997, p. 57).

Scholars such as Dambisa Moyo (cited in Kasbaoui & Nechad 2018, p. 133) notably suggest that the cycle of foreign aid into Africa does not lead to economic growth or the subsequent redistribution of wealth. Therefore, this paper asks, ‘how current foreign-aid practices and processes affect the effectiveness of aid in Kenya?’. Answering this question involves the triangulation of the original accounts of local citizens with material from primary and secondary sources to evaluate the extent to which the scheme has improved the health and wellbeing of indigenous Kenyans. A number of theories were used and tested, including ‘bypass theory’, which suggests that, while government-to-government aid remains significant in Africa, bypassing governments is more impactful at the grassroots level (Dietrich 2016, p. 67).

Literature Review

This literature review demonstrates the continued significance of foreign aid to Africa. While authors such as Sachs (2014) and Adedokun (2017, p. 184) argue that foreign aid is an important tool to alleviate poverty, Rajput (2019) argues that aid does not make any meaningful difference in the health and wellbeing of the intended beneficiaries because it is designed to protect donors’ interests. The following section outlines the controversial practices and processes of foreign aid.

Foreign-Aid Controversies

The debates around foreign aid to Africa have always been controversial (Snowdon 2009, p. 247). Moyo (2017) argues that foreign aid plunges the continent into perpetual poverty whereas Easterly (2003, p. 25) suggests that aid never reaches the poor who deserve it most, due to corruption. In the Kenyan context, corruption is a main facet of all parts of citizens’ daily lives.



It is experienced from the interactions between the average citizens, police, and public servants to elaborate networks linking state and commercial sectors (Harrington & Manji 2013, p. 4). Even more alarming, Grépin (2009 p. 75) argues that non-governmental organisations (NGOs) are also credited with the stink of corruption.

Ewing and Aldhous (1990, p. 595) suggested in 1990s that even high profile inter-governmental organisations such as the World Health Organisation (WHO) faced a funding crisis for their global HIV/AIDS programs because of donor fatigue. More recently, Grépin (2009, p. 75) argued that the rates of donor funding continued to fall below the levels required to sustain HIV programs as a direct result of donor fatigue. However, Inderfurth, Fabrycky, and Cohen (2005) argue that the level of engagement by the international community depends on media coverage of crises and the identity of the target population, with Western countries fully engaging only when individuals to be rescued are their own citizens. On the other hand, Wamboye, Adekola and Sergi (2014, p. 335) importantly claim that foreign aid to Africa has led to chronic dependence, which, Vorhölter (2012, p. 284) stipulates, has provided the West with an important tool to enhance patterns sculptured by colonialism.

Bureaucracy also fails the efforts of domestic and international institutions to dispense foreign aid equitably. The scheme's structures are designed in a way that beneficiaries have no power, with limited channels to provide feedback (Easterly 2002, p. 244). Additionally, the lack of direct connection between the donor and the implementing partners implies that the system spends a lot of money on the managers of intermediary grant (Indo Asian News Service 2018), on top of millions of dollars wasted in administration costs, including big salaries to senior executives (Pollack 2011, p. 600). Besides, Islam (2014, p. 193) argues that the lack of consultation practically means that beneficiaries are refused a space in the development processes, preventing them from securing any type of ownership. Even with these disparities, however, bypass theory postulates that funding NGOs to deliver relief services directly in the affected communities has ensured the survival of vulnerable people (Dietrich 2016, p. 67).

Bypass Theory

Bypass theory suggests that funding allocations to NGOs rather than to governments are more productive (Dietrich 2016, p. 67). However, the



literature that follows does not present an unambiguous confirmation of this theory because NGOs can also be corrupt (Grépin 2009 p. 75). Furthermore, its uniform installation deprives citizens of the ability to hold governments to account. In an interview with Al Jazeera (2018), Dambisa Moyo argued that, while Africans would like to hold their governments to account for the quality of services, they cannot do so when NGOs are delivering those outcomes. More dangerously, any form of aid to Africa leads to dependence (Moyo 2017). But Dietrich (2016, p. 67) insists that NGO-administered aid has improved living standards within the target populations in Kenya, at least in the short run.

African governments rely on NGOs to respond to complex crises such as the refugee burden. For example, the large inflow of Somali and South Sudanese refugees into Kenya in the 1990s forced the country to implement the encampment strategy, handing over the responsibility to United Nations High Commissioner for Refugees (UNHCR) to screen and ensure their livelihood (Alix-Garcia et al. 2018, p. 67). NGOs mandated to help refugees are also required to cater for the social and economic needs of the host communities (Terada, Evans & Mwaniki 2017, p. 52). Similarly, faith-based organisations play a key role in bringing about positive changes in the Global South due to their holistic nature and their rootedness in the community (Moyer, Sinclair & Spaling 2012).

This literature does not deny the historic religious scandals. Missionary work is shown by Mofokeng (1988, p. 34) to have involved oppressions and abuse, with the Bible carrying colonisation as the vanguard of the exploitation of Africa. However, the contemporary work carried out by some faith-based organisations, including relief assistance to vulnerable populations in Kenya, must be acknowledged (Deacon 2012, p. 664). NGOs also provide preventive and remedial interventions to improve the welfare of street children, providing housing, food, clothing, and medical care (Kaime-Atterhög, Persson & Ahlberg 2017, p. 580). On a larger scale, Oxfam promotes gender equality and helps address social injustice for Kenyan women (Kukrety & Mohanty 2011, p. 273). Oxfam has also provided the vulnerable Kenyan communities with water supply and related technologies. By early 2016, around 100 water BluePumps had been installed in Turkana, with a robust design that can lift groundwater from a range of depths (Foster, McSorley & Willetts 2019).



Even with some seemingly long-term projects by NGOs in Africa, limited impacts are evident at the grassroots level due to structural and governance issues. Thus the practices and processes suggested by bypass theory can only work if they are complemented by longer term initiatives designed to boost domestic capacity, including structures, financial and trade systems, macro-economic management, appropriate policies, and political stability (Cai, Zheng, Hu, Pray & Shao 2019, p. 240). For example, empowering African governments to eradicate corruption would stimulate manufacturing development, generate more jobs and more income, and enlarge the middle class, which could lead to the improvement of overall governance, including a fairer redistribution of wealth (Mijiyawa 2017, p.33).

Methodology

The raw data in this research derive from the author's PhD data collection in Kenya in the period between November 2018 and February 2019. A qualitative research methodology involving face-to-face interviews was used to collect the data necessary to answer the main research question: 'How do the current foreign-aid practices and processes affect the scheme's effectiveness in Kenya?' This methodology was the most appropriate method to investigate the lived experiences of individuals as they were presented through feelings, ideas, perceptions, attitudes, and thoughts (cf. Öhman 2005, p. 273). Kenya as a major recipient of foreign aid (McCormick & Schmitz 2011, p. 156) provided all the opportunities to carry out an investigation on the barriers to the effectiveness of foreign aid from indigenous perspectives.

The participants in this research were average Kenyan residents and citizens in different social classes and backgrounds, Kenyan authorities, civil society activists, local staff working in local and international NGOs, expatriates, diplomats, senior security and military officers, high school and university students, religious leaders, and academics mainly in the field of global economics, political science, international relations, and security studies. The indigenous sample consisted of both adult men and women from different districts, tribes, religious, social, economic, and political backgrounds. The researcher conducted sixty-one interviews, four of which were not audio-recorded. Four interviews occurred in Brisbane; those participants were professionals who have administered foreign aid as beneficiaries or donors.



Purposive sampling method was initially used to match the sample adequately with the aims, objectives, and research questions. This sampling process involves a random selection of participants, but it is strategically carried out within the segment of a population believed to hold relevant information on the issues of interest (Guarte & Barrios 2006, p. 277). In this case, these were Kenyan nationals and Kenyan residents with direct knowledge about the foreign-aid scheme. As Campbell et al. (2020, p. 3) rightly put it, purposive sampling helped the research team to save time and other resources as it enabled the principal investigator to strategically select cases that will most likely have the merits to be included in the final sample. However, it was also vital to expand the pool of research participants, which was achieved using the snowballing technique. The technique involves a chain-referral process, which is set in motion by carefully selecting seed participants from the early stages of data collection (Beauchemin & González-Ferrer 2011, p. 105). With this technique, the researcher asks the seed participants to help recruit other contacts, who in turn put the researcher in touch with new potential participants, all within the population of interest (Geddes, Parker & Scott 2017, p. 347). This method helped the researcher to penetrate the diplomatic, political, and NGOs sectors in Kenya.

This research achieved data saturation; that is, the point at which no new information or themes were observed in the data (Guest, Bunce & Johnson 2006, p. 59) before the researcher completed his fieldwork in Kenya and returned to Australia. Reliability in qualitative research depends on the data adequacy, with the researcher finding a sound level of consistency across participants (Morse, Barrett, Mayan, Olson & Spiers 2002, p. 14).

Qualitative Results and Discussions

The barriers to foreign-aid effectiveness discussed here include a history and processes plagued with controversies - corruption, donor fatigue, dependency, and complex bureaucratic processes.

Views of Foreign Aid

Foreign aid to Africa is significant, but its effects are usually subject to controversial debates. As noted, Rajput (2019), Moyo (2017) and Easterly (2003, p.25) claim that foreign aid to Africa does not make any difference. Rajput goes further and argues that foreign aid is designed to protect the donor's interests. In contrast, Sachs (2014) and Adedokun (2017, p. 184)



argue that foreign aid is an important tool to alleviate poverty. Evidence from my sample does not entirely reject the suggestions of Easterly, Rajput or Moyo but it aligns more with Sachs and Adedokun's submission that the scheme remains critical for the survival of the most vulnerable populations. Interviewee (11) gives an example:

With the coming of US funding, lives improved. People are living longer, even if they are HIV-positive. At least they have the medicine. [...] I lost relatives to HIV [AIDS] for which I said [break] Up to date, I would say, if by then ARVs were available, so and so would be alive even up to now [...] (Interviewee 11, Female, NGO's frontline staff).

Interviewee (55), however, argues that foreign actors do not invest in Kenyan local NGOs out of the kindness of their hearts.

The UK and the US, for example, will not be investing in local Kenyan NGOs out of the kindness of their hearts. No [...]. They are trying to secure the region for their own vested interests [...] (Interviewee 55, Female, Lawyer).

Besides, Harrington and Manji (2013, p. 4) say that corruption is a feature of Kenyan daily life, which logically puts foreign-aid funds to Kenya at risk for embezzlement. Interviewee (11) can attest to this.

If we look at our news, the billions ...[are] being stolen and... that money is not [never] recovered, and more and more is still being stolen [...]. you steal good money so that even if you are convicted, you've done something (Interviewee 11, Female, NGO's frontline staff).

Similarly, Grépin's claims (2009, p. 75) that even some NGOs are corrupt have been confirmed by some in my sample, with Interviewee (45) stating that...

...You might be surprised to learn that someone who was living in the Kibera Slum suddenly relocates to Westlands [prestigious neighbourhood]. Where do they get so much money to relocate to Westlands while they were living in Kibera? And subsequently you



hear, 'That is the person who was working with the white fellas.' Most of those with leadership positions in NGOs have relocated. They now live in more prestigious suburbs (Interviewee 45, Female, Housekeeper).

Ewing and Aldhous (1990, p. 595) and Grépin (2009, p. 75) claim that donations have continued to decline over the recent decades due to donor fatigue. Through my sample such as Interviewee (40), the international community's frustration is understandable.

If they say [name of NGO withheld] has been operating in Kenya for the last, maybe, 20-30 years, what can you show that, for the last 30 years, we have been working with [inaudible]? [...] (Interviewee 40, Female, Academic and civil society activist).

On the other hand, Inderfurth, Fabrycky, and Cohen (2005) argued that the level of engagement by the international community depends on media coverage of crises and the identity of the vulnerable population. According to Interviewee (48), an expatriate of European background, this is correct.

In the former Yugoslavia, then Europeans had a real ownership. It was happening in our backyard. And here, we are now kind of trying to implement ideas from our own experience and for us, the hardest part is to translate that, for example, into the African context (Interviewee 48, European Male, Colonel in the army and expatriate).

Wamboye, Adekola, and Sergi (2014, p. 335) suggest that foreign aid leads to dependence, and my sample agrees. Interviewee (9) has administered foreign aid locally for many years and yet he questions the effectiveness of the scheme.

[...] Since we gained independence in Africa, we are under foreign aid. Are we moving [forward] because of foreign aid? Are we given the right solutions? The good solutions because of foreign aid or it is just [that] we are given fishes [fish] without being taught how to fish? (Interviewee 9, Male, Colonel in the army).



Vorhölter (2012, p. 284) stipulates that the colonial structures and systems thrive in Africa today because the continent has not been able to wean itself off foreign aid, and Interviewee (40) attests to this:

Our colonial masters gave us independence, but they didn't let us go, say, 'Now you are independent.' They found other way to continue colonise [colonising] us through one channel, which is foreign aid (Interviewee 40, Female, Academic and civil society activist).

Easterly (2002, p. 244) writes that the foreign-aid scheme's structures are designed in a way that allows beneficiaries no power and therefore, they cannot hold NGOs to account for their misconduct. Evidence from the sample suggests this literature is correct, but Interviewee (41) adds that even host governments are often too scared to confront NGOs.

So, if they come in as saviours; and they are non-governmental organisations; they are implementors of foreign aid because the Government, in a way, has failed to manage those funds properly. So, there is a way in which the Government can say, 'Well, we better not criticise what NGOs are doing because, otherwise, we lose out on this complementary work that NGOs are doing' (Interviewee 41, Catholic priest and academic).

The suggestion, albeit from an anonymous journalistic source (Indo Asian News Service 2018), that the lack of direct connection between the donor and the implementing partners implies that governments rely on costly intermediary grant managers was also confirmed by my sample, with Interviewee (1) sharing his experience below:

Currently, donors have people that they call grant managers [...]. So, if I am having money from Australian Aid, then they will give this money to either DAI [Development Alternative, Inc.], you know [inaudible]. So, if [the] Australian Government wants to implement a program in Kenya, whichever, it doesn't matter, whether in health, whether in WASH [Water, Sanitation and Hygiene], whether in agriculture, whether in peace and security, whether in governance or whatever we do, that money will be given to some of these international companies,



they call them grant managers. Now these will then look for implementing partners [...] (Interviewee 1, Male, Economist, and civil society activist).

More alarmingly, Islam (2014, p. 193) suggests that the lack of consultation between NGOs and the beneficiaries practically means that the latter are refused a space in the development processes and ownership. Thus, NGOs' activities toward the community empowerment of vulnerable people have had a limited impact. Interviewee (25) agrees.

You see, the first thing I noticed, many humanitarian organisations do their plans and budget without consulting beneficiaries for them to understand what the community really needs [...]. Therefore, organisations often engage in activities for as long as five or six years, with no obvious, measurable outcomes (Interviewee 25, Male, foreign-aid beneficiary, and NGO's frontline staff).

The disparities outlined above render most foreign-aid initiatives redundant, even with the processes and practices suggested by bypass theory.

Bypass Theory Assessed

Thus far, bypass theory is plausible. However, the issue of corruption in Africa must be addressed for foreign aid to have meaningful impacts. Dietrich (2016, p. 67) maintains that government-to-government aid usually goes to waste due to corruption and failed systems at the domestic level. Interviewee (55) gives an example:

The National Youth Service ... recruit young people, and they train them in like basic livelihood projects, and they release them. They have a training college somewhere in the Rift Valley. As for the budget of the centre, the budget of this college had people [and] every person enrolled into that college eating two cows in a day (Interviewee 55, Female, Lawyer).

Interviewee (2) makes a similar point that even major government-sponsored projects such as infrastructure are often over-priced.



So, you have [an] infrastructure development that is overpriced [...] by the country itself because the people engaging in these contractual processes want kickbacks and so the kickback is put into the contract and then they make their money. So, the project continues, but we pay more than what the value of that infrastructure development (Interviewee 2, Male, Economist and civil society activist).

Speaking from the donor's perspectives, Interviewee (56) suggests that funding NGOs makes it possible to hold the relevant stakeholders to account, avoiding funds being captured in bad governance and corruption. The same cannot be done with a foreign government.

I would say the Western governments can hold those players accountable for where the money is being spent. It is very hard to hold a foreign government accountable for how they are spending your money (Interviewee 56, Male, Australian Government official).

Alix-Garcia et al. (2018, p. 67) suggest that Kenya wouldn't handle the refugee burden without help from the relevant NGOs, and Interviewee (49) agrees:

Refugees also come under our relief [program] because these are people who are coming to a country without anything, and they just need support [...] For refugees, it is always almost the same - food, clothing and, maybe, health (Interviewee 49, Female, NGO's staff, and former government official).

Indeed, the work of NGOs is all about survival. Without them, none of refugees' basic needs, for example, would be fully met, a situation that would lead to a chain of other adverse events. This is as Interviewee (25), a refugee beneficiary of foreign aid, attests:

If they get rid of it [foreign aid], people will perhaps afford some food, but not enough. Even if food affordability might be okay, I am not sure about affording clothes [...]. Failure to secure the basic needs would impede the quality of life and therefore, crimes would increase, crimes like robbery. You wouldn't live peacefully if you have a car and



everyone else around you is starving (Interviewee 25, Male, foreign-aid beneficiary, and NGO's frontline staff).

Terada, Evans, and Mwaniki (2017, p. 52) claim that services allocated to refugees historically created inequalities between refugees and the host communities in terms of physical infrastructure and socio - economic opportunities. Evidence from my sample suggests that they were correct because this was the case, and collaborations between donors, the Kenyan government and NGOs were needed to redesign the camps and services delivery models in a way that also benefitted the locals. Interviewee (36) explains how this was practically achieved:

There is always 10-15 percent of our budget [that] goes to the host community, which is the poorest of the poor. Yeah. So, in some instances, you may find that refugees do much better than the host community members. So, out of this concern, for the last few years, we have decided to also include, in our budget, the host community members who are desperate, who equally need support (Interviewee 36, Catholic priest, and NGO's executive).

Moyer, Sinclair, and Spaling's (2012) claims that faith-based organisations go an extra mile to attend to the needs of the hard-to-reach populations has been confirmed by my sample, with Interviewee (24) stating that ...

... JRS started working in Kenya, I think, early 1990s and mostly they have been working in livelihood, ah, education and psycho-social [areas]. [...] its slogan... may not be written, but 'JRS always goes where others do not go' (Interviewee 24, Male, NGO's frontline staff).

On a larger scale, NGOs have complemented the Kenyan Government's work in key areas. Kukrety and Mohanty (2011, p. 273) claim that NGOs such as Oxfam have helped the Kenyan Government to promote gender equality for decades, helping address social injustice and achieve economic leadership for women. My findings establish that Kukrety and Mohanty were correct, as Interviewee (11) attests:



There was this ‘girl child project’... That one targets those communities where the girl child is not recognised. The ones that still do circumcision for the females [genital mutilation]. The ones that still send girls [inaudible] to marry before even they are of age [...] Now the girl child has an opportunity to go to school and explore her potentials (Interviewee 11, Female, NGO’s frontline staff).

Foster, McSorley, and Willetts (2019) claim that Oxfam has helped the most vulnerable Kenyans with water supply and related technologies, and Interviewee’s (23) statement is supportive.

We walked long distances to look for water. Humans, cows, we accessed water from the same place. We drank [water] from the same place, the same time as cows, everything. Goats, sheep. We fetched the same water [...]. It had a lot of implications [...]. You know that drink brought diseases [...]. This is in the past though. We can now access cleaner water [...] (Interviewee 23, Male, Security guard and foreign-aid beneficiary).

Interviewees are largely in agreement with the fundamentals of bypass theory in that they see lives of poor Kenyans as having slightly improved through a range of short-term fixes, with no evidence of significant growth or community empowerment. However, heavy reliance on NGOs prevents Kenyan citizens from holding their government to account as part of a democratic need to push authorities to redistribute resources in an uncorrupted fashion, as Interviewee (42) attests.

[...] I am not going to my government to look for the necessary help I deserve because I am a taxpayer, because I am just a citizen, a member of the community. Instead, I am waiting for World Vision, IMF, ... Médecins Sans Frontières MSF, to come and help me deal with all these, you know, issues that I am having. No, it shouldn’t be that way in the first place [...] (Interviewee 42, Catholic priest and academic).

As Cai, Zheng, Hu, Pray and Shao (2019, p. 240) and Mijiyawa (2017, p.33) put it, a range of structural and historic issues must be solved for any form of foreign aid to Africa to have meaningful impact.



Conclusion

Both governments and NGOs suffer from corruption as can be evidenced through Kenyans' accounts where, in the case of NGOs for example, the high remunerations of expatriates, coupled with other adverse practices, amount to the misuse and wastage of funds. However, there is a general agreement that, if more aid is transmitted through NGOs, then the problem of aid wastage is lessened because it is easier for donors and beneficiaries to hold NGOs to account. But practices and processes suggested by bypass theory alone do not hold a key to African prospects for economic growth.

The theory only suggests short-term benefits, but allows overwhelming powers and wealth to private providers, with no evidence of community empowerment within the target populations. Even seemingly long-term projects carried out by NGOs in Africa have historically had limited impacts because of structural and governance issues at the domestic level. Thus, other solutions designed to lower the level of corruption, boost domestic capability at the levels of government, society and individual must be prioritised to move beyond an NGO-enabled survival mode within the most vulnerable populations in Africa.

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From Unwritten to Written: Transformation of Jieeng Customary Law into *Qanun Wanh-alel*

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Abstract

This paper is a case-study on *Qanun Wanh-alel* – a customary law of the Western Jieeng enacted in 1975 to regulate offences that occur commonly in their jurisdictions. These include homicide, which has become the most common offence in recent times, elopement and premarital impregnation. The overarching aim in enacting *Qanun Wanh-alel* was to have a codified Jieeng customary law, although it has not been applied uniformly. This is especially clear in the case of blood compensation for homicide which varies across these communities. For example, it is 51 and 31 head of cattle in the Lakes region and the Rek section respectively. The purpose of blood compensation is restitution – to avert vengeance and restore peace and equilibrium.

Introduction

Qanun Wanh-alel is a partially codified customary law of the Western Jieeng (Dinka) communities enacted in 1975.¹ It is formally called the *Code of Dinka Customary Law* and it is the first of its kind. It was subsequently passed as Part II of the *Re-Statement of Bahr el Ghazal Region Customary Law (Amended) Act 1984* which included the customary laws of the Luo and the Fertit tribes of Western Bahr el Ghazal. As will be explained, *Qanun Wanh-alel* is more of an eponym and it is the name by which the *Code of Dinka Customary Law* is known colloquially. It is for this reason that I refer

¹ Western Jieeng (mistakenly called Dinka) refer to the Jieeng of Bahr el Ghazal region of South Sudan, comprising Lakes region (Agar, Aliap, Gok and Yirol), Rek and Ngook of Abyei. Bahr el Ghazal (west of the country) is one of the 3 regions into which South Sudan is divided. Equatoria (south of the country) and Upper Nile (east of the country) are the two other regions.



to it in this article as *Qanun Wanh-alel*.

Qanun Wanh-alel deals with offences of both a criminal and civil nature, as an offence constitutes a crime and a civil wrong at the same time in the Jieeng's philosophy of justice. Examples of these offences are homicide, elopement and premarital impregnation. For homicide, whether intentional or unintentional, that is, motive is immaterial, the law prescribes 30 head of cattle to recompense the deceased's family (*Code of Dinka Customary Law*, ss 70–73). These are called *apuk* (blood compensation). Normally, the offender pays an additional ox known as *muor tir* (the ox 'of peace settlement'), and it is killed to reconcile the two feuding families and to normalise their relations, (Deng, 2010, p.136). A *bany-bith* (a spiritual leader) and a chief of the area conduct this reconciliation process in the presence of *baai* (the local community).

For elopement and premarital impregnation offences, the penalty is one heifer paid to the girl's family if the man refuses to marry the girl (*Code of Dinka Customary Law*, ss 42–44). The heifer, which, bluntly speaking, is a penalty for consummation, is called *aruook* in *Thuongjang* (the Dinka language). In the rare cases where a man elopes with a girl or impregnates her with the intention to keep her as his wife but fails to pay the bride-price or cannot afford it, it becomes a matter for court.

The court may order the man and his family and close relatives to contribute 30 cows and 6 oxen and pay them to the girl's family as bride-price (*Code of Dinka Customary Law*, s 24). The girl becomes his legal wife once the bride-price is paid. The girl's family would, however, deem this as a loss, especially if the girl is beautiful/educated – beauty and education being the factors that weigh significantly for the bride's family when negotiating the bride-price (Deng, 2021, p.2)

Cattle are used to pay the bride-price and blood compensation, among other things, because they are customarily the means of exchange in Jieeng society (and in many other tribes in South Sudan, eg, the Nuer tribe with which the Jieeng share major similarities). This is changing rapidly, however, as money – a product of modernity – is becoming the predominant means of exchange in South Sudan.

This paper is a case-study on *Qanun Wanh-alel*. It proceeds in two parts. The first part discusses the general meaning of customary law briefly, an understanding of which is crucial to this study. The second part discusses



how *Qanun Wanh-alel* developed and how it deals with various offences, such as homicide, elopement and premarital impregnation, that occur frequently in the Jieeng society.

Where necessary, court cases – cases decided orally as chiefs' courts do not have a system of recording and reporting cases (and neither do statutory courts of South Sudan as modern institutions) – are discussed to illustrate how this law has been applied in practice. The aim of this study is to foster a broader and contemporary understanding about *Qanun Wanh-alel*. It is not, however, a comprehensive study due to space constraints.

What is Customary Law?

Legal jurists understand customary law in practically the same way. Lon Fuller, the famous natural law theorist of the 20th century, understood customary law as that which 'arises out of repetitive actions when and only when such actions are motivated by a sense of obligation' (Fuller, 1969, p.16). John Hund defines customary law as one 'based necessarily on a constant and uniform usage' and that the method used to 'ascertain the existence of this usage' is engaging directly with the members of a given community to solicit their views (Hund, 1998, p.424).

The World Intellectual Property Organisation, the organisation dedicated to the development and protection of intellectual property (property of the mind), has provided what may be an all-encompassing definition of customary law:

Customary law is, by definition, intrinsic to the life and custom of indigenous peoples and local communities. What has the status of custom and what amounts to customary law as such will depend very much on how indigenous peoples and local communities themselves perceive these questions... [C]ustom is a rule of conduct, obligatory on those within its scope, established by long usage (World Intellectual Property Organisation, 2013, p.2).

It is important to distinguish customary law from the related concept of customary international law as the two may be confusing. Customary international law, as it has been defined (although this is yet to be a universally accepted definition), is a 'law derived from the consistent



conduct of States [as international entities] acting out of the belief that the law required them to act that way' (Shabtai, 1984, p.55). In short, it is a law that derives its binding power from states' consent, a measure without which the law would be ineffective. This aspect of customary international law – i.e. states' acceptance of the practice – is known as *opinio juris* (opinion of law) (North Sea Continental Shelf Cases, 1969).

As can be seen, there is a subtle difference between customary law and customary international law, if the latter occupies a larger realm. In fact, international conventions, which are taken as examples of *opinio juris*, do recognise the existence of customary law as reflected in the 2007 *United Nations Declaration on the Rights of Indigenous Peoples*. *Qanun Wanh-alel* comes within this broader international legal framework.

***Qanun Wanh-alel* in Context**

The Anglo-Egyptian Condominium (1899–1956) saw the benefit of the southern Sudanese customary law systems in helping to settle local disputes in what was then considered an acephalous society. This saw the enactment of two ordinances, essentially local government laws, in the 1930s: *Chiefs' Courts Ordinance 1931* which applied in the south only, presumably as a recognition of the Southerners' distinct customs and traditions, and the *Native Courts Ordinance 1932* which applied in the rest of Sudan (el Nur, 1960, p.85). Under the *Chiefs' Courts Ordinance*, the condominium government appointed chiefs and entrusted them with authority to deal with certain matters, including adjudicating civil and criminal matters and collecting (poll) taxes from the people (Collins, 2005, p.188–9). This was in effect a form of indirect rule, with chiefs – generally men who were most feared or *baany-mith* (spiritual leaders) – acting as intermediaries between their people and the condominium government.

The *Chiefs' Courts Ordinance* only regularised chiefs' status. It did not unify the Jieeng customary law. As John Wuol Makec put it, difficult conflicts of rules continued to confront chiefs' courts as each district (jurisdiction) continued to expand the rules in response to new cases and challenges (Makec, 1988, p.39). For example, the penalty for *akoor* (adultery) was 4 cows and 2 oxen in the Lakes District but was 8 cows and 2



oxen in Gogrial and Tonj districts.² Gogrial and Tonj raised the penalty for *akoor* purportedly in an attempt to combat this offence more effectively. Adding to this conflict of rules was also the intersectional conflicts between the Jieeng of Agar (Lakes region) and the Jieeng of Tonj, caused by elopement cases (Pendle, 2019). Because of blood compensation variance between these two communities, it was difficult to resolve cases of homicide or personal injuries that resulted from violent confrontations. (As will be discussed, eloping with a girl is regarded as a matter of serious disrespect in the Jieeng culture and generally leads to violence.)

Qanun Wanh-alel was adopted in 1975 to address this conflict of rules, that is, to unify the Jieeng customary law. It resulted from multiple chiefs' conferences. The first conferences were held in *Wanh-alel* in the then Tonj District in the early 1970s, and were attended by chiefs from Tonj and Gogrial, and representatives of the Sudanese government (district commissioners and heads of government departments) (Makec, p.39). Through these conferences the two districts reached a consensus to adopt a code to regulate issues that occur commonly in their jurisdictions. These include adultery, recovery of the bride-price and the redemption of children of marriage after divorce (*Code of Dinka Customary Law*, ss 10 and 41). The code was limited to family law only. (It is not clear from the limited literature what this code was called.)

Still, conflict of rules between the two districts (Gogrial and Tonj) and other districts in Bahr el Ghazal remained unresolved and problematic. This led to another conference in 1975 in *Wanh-alel*, facilitated by the Commissioner of Bahr el Ghazal Province, Isaiah Kulang Mabior. This was the most inclusive conference. All the chiefs from the then seven districts of Bahr el Ghazal, the heads of government departments, the representatives of local governments, and the esteemed elders attended the conference (Makec, p.39).

Two important resolutions resulted from this conference. The first was a consensus to have a unified Jieeng customary law in Bahr el Ghazal to ensure easy resolution of intersectional disputes and cases. The second was the

² Lakes, Gogrial and Tonj (predominantly Jieeng inhabited areas) were some of the districts into which Bahr el Ghazal was divided during the Anglo-Egyptian Condominium.



adoption of the existing code (Makec, p.39–40) The code was, however, expanded to include property law, damages for personal injuries resulting both from criminal acts and civil wrongs, and law of succession (*Code of Dinka Customary Law*, Chapters II, III and IV). The resolutions from the conference were passed into law by the People's Regional Assembly of Bahr el Ghazal as the *Bahr el Ghazal Province Local Order No. 1 of 18th December 1975* (Local Order). This Local Order was later passed as Part II of the *Re-Statement of Bahr el Ghazal Region Customary Law 1984*, which included the customary laws of non-Jieeng tribes in Bahr el Ghazal, particularly the Luo and the Fertit.³

The late John Wuol Makec, who was the Speaker of the People's Regional Assembly of Bahr el Ghazal at that time and later became Southern Sudan's first Chief Justice during the interim period (2005–2011), drafted *Qanun Wanh-alel*.⁴ As mentioned in the introduction, *Qanun Wanh-alel* is an eponym. It takes its name from two words: *Qanun*, which is an Arabic word for law (ie. civil law as opposed to the religious Sharia law) and *Wanh-alel* which is a river in the Tonj South County.⁵ This explains why this law is called by that name – it takes its name from the place it was adopted.

As might be apparent, *Wanh-alel* is also a conflation of two words in *Thuongjang*: *wath*, which is a cross-river passage and *alel*, meaning rock. *Wath* becomes *wanh*, which is a form of possessive pronoun and can be translated as 'river of'. So, *Wanh-alel* means river of rocks for the obvious

³ See Part III and Part IV of the *Re-Statement of Bahr el Ghazal Region Customary Law 1984*. The People's Regional Assembly of Bahr el Ghazal was a quasi-Parliament created in the pre-separation era in Sudan. It worked in coordination with the national government of Sudan to raise matters of concern on behalf of the people of Bahr el Ghazal.

⁴ John Wuol Makec was the first to author a book on the Jieeng customary law, difficult a task as this might have been. I am grateful to him for providing this informative work. It is indeed a handbook for researchers and practitioners of Jieeng customary law.

⁵ Counties are administrative units into which states are divided in South Sudan. They make up local government. See the *Transitional Constitution of South Sudan 2011* article 165 (5).



reason that it has rocks in it. The more correct name might be “*Wanh-aleel*”, *aleel* (rocks) being the plural of *alel* in *Thuongjang*.

Qanun Wanh-alel is not a complete code and it is likely that a complete code could be adopted in the future, possibly for the entire Jieeng society. However, it has helped customary courts to overcome some of the conflict of rules in Bahr el Ghazal, creating relative certainty and stability. For examples, cases involving blood compensation (homicide cases), elopement and premarital impregnation are now easy to resolve, although, as discussed below, blood compensation has been modified in some sections of the western Jieeng. Elopement and premarital impregnation are treated as offences in the Jieeng society for the obvious reason that girls are a major source of wealth for their families.

Blood Compensation

Blood compensation, sometimes called blood money, is a practice whose origin is impossible to trace with exactitude. Many people practised it in ancient times. Today, it is more commonly practised in African tribal societies, and Islamic countries. In the Ovambo tribe of Namibia, for example, blood compensation is paid irrespective of whether or not the offender has been punished in accordance with substantive law (Moriassi, 2018).

Even in countries that strictly imposed the death penalty for murder, eg, Kenya, the victim’s family still prefers blood compensation in some cases. For example, in the murder case of *Republic of Kenya v Abdulahi Noor Mohamed*, the parties – the victim’s family and the offender – entered an agreement to settle out of court and for the offender to pay compensation. They applied to court to have this settlement approved, but the court rejected their application on the ground that the offender had committed a serious crime and must face justice pursuant to Kenya’s *Penal Code (Republic of Kenya v Abdulahi Noor, 2016)*.

Blood compensation is the equivalent of *diya* paid under Sharia law in Islamic countries, the amount of which varies from country to country (Pascoe, 2016). In Sudan, the *Criminal Code Act 1991* allows *diya* in cases of homicide and bodily harms (*Criminal Code Act 1991*, ss 43–44). It is fixed at 100 camels, or the equivalent value of that in money, for murder (*Criminal Code Act*, s 42). This gets reduced substantially in cases of unintentional



killing and personal injuries (*Criminal Code Act*, s 42 (5)). In Iran, *diya* is capped at US\$62,500 for a male Muslim victim (Pascoe, 2016, p.157–62). If the victim is a woman or non-Muslim, the compensation is much lower. This applies in all Islamic countries.

Diya is similar to *apuk* (blood compensation) paid under *Qanun Wanh-alel* as both are remedies for homicide and personal injuries. The difference is in payment. *Diya*, as noted above, is paid in camels and/or money, whereas *apuk* is paid in cattle as the mainstay of the Jieeng economy. But *apuk* can also be paid in money if the victim's family demands it. (Mostly, it is those living in metropolitan areas where cattle are less in demand that may prefer this option.)

***Apuk*: A Collective Responsibility for a Clan**

Qanun Wanh-alel caps *apuk* at 30 head of cattle, which are paid by the offender's clansmen on a per clan unit basis (*Code of Dinka Customary Law*, ss 69–73). That is, each clan unit and/or sub-unit contributes one head of cattle to *apuk*. The process for collecting cattle is simple. After a case has been heard, the chief appoints a bailiff accompanied by one or two of the victim's relatives to collect cattle. The offender's relatives normally cooperate, and this allows the process to be completed speedily. Once collected, the cattle are brought to the chief's custody who then hands them over to the victim's family. The end of this process is ceremonially marked by killing an ox to reconcile the two families and to normalise their relations. Professor Francis Mading Deng (2010) has described this more clearly:

...The chief calls upon the relatives of the deceased, sacrifices a bull known as *mior de kueng*, "the bull of peace settlement," and asks the aggrieved group to take an oath to keep peace and avoid vengeance... On an appointed day, the two groups are [again] convened and a bull known as *mior de yuom*, "the bull of the bone," is sacrificed. The chief, or one of his relatives acting on his behalf, takes the bones of the right hind leg of the animal, breaks them in two, and throws one half to the killer's kin group and the other to the relatives of the deceased, who must at first show resistance and wage a mock attack of vengeance on the killer's relatives, until they are persuaded by the chief to accept the settlement (pp.135–136).



Apuk is paid regardless of whether the killing was intentional or accidental. Professor Deng has reported some really sad cases of accidental killing, one of which involved the killing of a girl by her suitor. The suitor visited his girlfriend and spent a night with her. He was carrying a rifle with him. During the night, the girl collected the rifle and placed it in a safe corner inside the hut. In the morning, as the visitor (suitor) was preparing to leave, his rifle was returned to him. He immediately started to check the rifle and it fired accidentally, killing the girl (Deng, p.135). The case was determined pursuant to *Qanun Wanh-alel*. The court ordered the offender to pay a full *apuk* of 31 head of cattle to the victim's relatives. He was also fined heavily in cattle for reckless use of firearms (Deng, p.135).

As noted earlier, *Qanun Wanh-alel* has undergone some changes – changes that would not have been possible in a modern parliamentary process without formally amending the relevant provisions of *Qanun Wanh-alel*. For example, in the Lakes region *apuk* has been increased from 30 to 51 head of cattle (Pendle, 2019, p.19–20). This modification was made by the then Lakes State governor during Southern Sudan's interim period. Chiefs of Yirol (a section of the Lakes region) also modified the law governing elopement and premarital impregnation reportedly due to the pressures of the civil war (pre-independence civil war). Deng Biong Mijak (2004) reports:

The harsh and risky life of a soldier has to be accorded special consideration as many of the local young men have joined...[the war]. If a soldier [had] eloped with or impregnated a girl, ...his relatives [were] ordered to proceed with marriage. If he is junior in the line of marriage, his relatives [were] asked to hand over 11 cows to the relatives of the girl. The rest of the marriage proceedings are then suspended until the time when it is his turn in the family to marry (p.19).

It is unlikely that these exceptions to the law for soldiers are still applicable in Yirol in post-independence South Sudan. However, they go to show the susceptibility of *Qanun Wanh-alel* to social and political exigencies.



Purpose of *Apuk*: Punitive or Restitution?

The purpose of *Apuk* is not clear, and *Qanun Wanh-alel* is silent on this. It has been a subject of debate, as such. Professor Deng has provided two perspectives. The first is that *apuk* is to be used to marry a wife to the name of the deceased man (ghost marriage) to continue his ‘procreative potential’ which is a customary practice of the Jieeng. The second is that it is to avert vengeance (Deng, 2010, p.131). He quotes Michael Makuei Lueeth, Attorney-General of the then partially independent Southern Sudan, with whom he conducted an interview:

There is a strong cultural bias against capital punishment ... In our customs, capital punishment never existed ... To avoid vengeance, it was decided that people should be compensated... With the introduction of statutory laws came the idea of sentencing the offender to death (Deng, 2010, p.136).

Neither of these assertions is wholly factually correct for various reasons. First, *apuk* is rarely used for ghost marriage, at least not in the Rek section with which I am most familiar. It is normally divided among the close relatives of the deceased. The late John Wuol Makec was perhaps the first to object to this assertion, saying: ‘If the need to marry a wife for the deceased were the basis of the compensation, there will be no need for the deceased relatives ... to share those cattle among themselves. Marrying [a wife to the name of a deceased man] may... be...an incidental aspect of [*apuk*]’ (Makec, 1988, p.199).

Professor Deng’s counterargument is that ‘the people who share the blood wealth are the same people who contribute to the bride wealth and that the procreative potential and value does not end with having already had children’ (Deng, 2010, p.131). Again, this is not entirely valid. The people who share blood compensation are not always the same people who contribute to the bride-price. *Apuk* is obligatory for an entire clan, depending on how big a clan is. If a clan is big, then not every unit of the clan would pay because to do so would mean collecting more cattle in excess of the number of cattle required. Bride-price, on the other hand, is non-obligatory. It is normally the closest relatives that contribute to the bride-price.



The second assertion – that the purpose of *apuk* is to discourage vengeance – may hold water. This is consistent with the general objective of African customary law, which is the restoration of peace and social equilibrium. British anthropologist J. H. Driberg has described this concisely (and, although he made this observation in roughly 90 years ago, it is still valid today):

African law is positive and not negative. It does not say Thou Shalt Not, but Thou Shalt. Law does not create offences, it does not make criminals; it directs how individuals and communities should behave towards each other. Its whole object is to maintain an equilibrium, and the penalties of African law are directed, not against specific infractions, but to the restoration of this equilibrium (Driberg, 1934, p.231).

In short, *apuk* lies at the heart of *Qanun Wanh-alel* and it serves as a restitutive, not punitive, payment. In the next section, I look at two other offences regulated under *Qanun Wanh-alel*, namely elopement and premarital impregnation.

Elopement and Premarital Impregnation

Elopement and premarital impregnation are offences under *Qanun Wanh-alel*. The penalty is one heifer (*dan aruook*) if the man (or an offender) cannot afford the bride-price or refuses to marry the girl, which is often the result of impregnation cases (*Code of Dinka Customary Law*, ss 42 and 44).

Elopement and premarital impregnation are treated as offences in the Jieeng society for two principal reasons. The first, as mentioned previously, is that girls are a source of wealth for their families and thus acts that may spoil a girl (and hence reduce her market value) are strictly prohibited. It is this reason that accounts for the rise in the bride-price in the Jieeng society, at least partly (Deng, 2022, p.3–4).

The rise in the bride-price is exemplified by the marriage of Nyalong Deng Ngong – a tall and beautiful Jieeng woman. In 2018, six Jieeng men, including a former state governor, competed for her. Kok Alat was the winner, paying 530 head of cattle, 3 Land Cruiser V8 cars, and US\$10,000.00 (Deng, 2021, p. 2). (Nyalong's marriage is one example among many but it



is a case of a competition taken to a whole new level.)

The second reason is that elopement and premarital impregnation are considered as seriously disrespectful to the girl's family. Initiating the marriage process in the right way – through an official process usually led by the groom's elders – is the accepted norm. This has two notable advantages. First, it prevents violence that results from elopement or premarital impregnation – in the sense that the girl's relatives take the law into their own hands and act violently against the offender and/or his relatives. This sometimes results in serious injuries and death. Second, it is a respectful and dignifying thing for Jieeng. This in turn has its own advantages. For example, if a man is poor but has initiated his marriage in the right way, he can be allowed to marry the girl by paying whatever number of cattle he can afford, or the payment can even be deferred as long as he promises to pay. Professor Deng has discussed this in more detail:

Sometimes, a girl is given in marriage to a poor man after a nominal payment on the grounds that sooner or later his female relatives will be married or somehow he will acquire wealth to enable him to discharge the debt. In such cases, the amount is not discussed. If the husband acquires wealth and there is disagreement on the amount to be paid, the court will fix a reasonable amount. There must always be prompt, even if partial, payment to validate the union. If a girl is given on deferred payment with a nominal validating fee, her relatives will not be permitted to revoke the agreement (Deng, 2010, p.118–119).

Overall, there are economic, social and moral reasons for criminalising elopement and premarital impregnation.

Conclusion

Qanun Wanh-alel is a partial code of the Jieeng customary law that resulted from multiple chiefs' conferences held in the 1970s at *Wanh-alel* in what is today called Tonj South County. While it has not always been applied uniformly, it has enabled the western Jieeng communities to overcome some of the difficult conflict of rules. Cases of homicide, elopement and premarital impregnation – cases that occur frequently in these communities – are now



easy to resolve. Thus it has created some level of certainty and stability.

Being the first written law in the Jieeng's history, *Qanun Wanh-alel* has become a source of boundless pride for so many people, particularly in the Rek section. Songs, for example, have been composed about it, saying things like "*Qanun Wanh-alel ka ok nyoth yen tene Muonyjang aben ben*" (we created *Qanun Wanh-alel* as a governing law for the Jieeng nation).

Qanun Wanh-alel adds to the richness and strength of the customary law in South Sudan, which has been recognised as a source of legislation. This is provided in article 5-(b) of the *Transitional Constitution 2011*. The *Local Government Act 2009*, in section 98, goes a step further and recognises customary courts as dispensing justice concurrently with statutory courts 'in accordance with customs, traditions, norms and ethics of the communities'. This is essentially legal pluralism in practice. There is, however, a strong possibility that statutory law could replace customary law completely. To ensure this does not happen, effective ways to harmonise the two systems will need to be found. It is important that customary law system which has served communities well for so many centuries be maintained.

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The Quality of Age Reporting in the 2014 Morocco Census

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Abstract

Aiming to update the economic, demographic, and social characteristics and housing conditions of the population, Morocco has conducted its last General Population and Housing Census (GPHC) in 2014. Accurate data on age is a key element for decision making, and necessary to build policies and improve health indicators. The main objective of this paper is to assess the quality of age reporting in the 2014 Morocco census. Based on the 2014 Morocco census data, we calculated the Myers' index to evaluate whether there is age heaping on any digit between 0 and 9. We used the United Nations Age-Sex Accuracy index (UNACI) to examine the five-year age-sex data. In 2014, the overall Myers' index, for the total Moroccan population, was 1.35 (1.39 for men, 1.32 for women, 1.50 in urban, and 1.41 in rural). The digit scores were approximatively equal and close to zero. The UNACI score was 20.62 (23.63 in urban and 20.45 in rural). According to our study, the age reporting data in the studied census was of good quality. In addition, remarkable progress in data quality was detected compared to the previous censuses. Consequently, information from this census can be used in the country's development. However, we found that grouped age data was of poor quality in two regions. Thus, more attention should be paid to improving data quality in those regions in the coming census, especially among men. We provided clear and reliable information on age reporting in the 2014 Morocco census. That helps to improve the quality of age reporting in the 2024 census.



Keywords: Accuracy, Myers' index, Digit preference/avoidance, Age reporting, 2014 Morocco census.

Introduction

Since 1960, the Morocco GPHC has been carried out periodically. The sixth GPHC was carried out in 2014 to 1) determine the legal population nationally and by territorial units of the Kingdom; 2) extract the economic, demographic, and social characteristics and housing conditions of the population; and 3) create a sampling frame to carry intercensal surveys planned, usually, between two successive censuses.

It is well known that the analysis of socio-economic factors is based mostly on age and sex distributions. The data on age and sex is extremely important in estimating the demographic characteristics of any country. A great number of demographic indicators such as fertility, migration, morbidity, mortality rates are estimated using age and sex data. These variables are also useful to make population projections and analyse socioeconomic and health problems based on age and gender (United Nations Economic and Social Commission for Western Asia (ESCWA), 2013). However, statistics on age and sex frequently suffer from reporting inaccuracies and anomalies, which can have a significant influence on the data's usefulness (Bello, 2012). Age misreporting, often known as a content (or response) error, is one of the most prevalent problems, especially in developing countries (Fajardo-González, Attanasio, and Ha, 2014). Age misreporting can occur for a variety of reasons (Obonyo, 2012; Unisa et al., 2009), but the most prevalent explanation is that the responder does not know his/her precise age or the age of the household members for whom he/she is reporting (ESCWA, 2013).

The quality of age reporting in Morocco's previous censuses was assessed in many studies. Indeed, in 2014, Fajardo-González and collaborators evaluate the quality of age reporting in the census of several countries including Morocco (Fajardo-González, Attanasio, and Ha, 2014). They conclude that data on age and sex was of relatively good quality in the 2004 Morocco census.



In addition, the United Nations Economic and Social Commission for Western Asia (ESCWA) included Morocco in a study of age reporting in selected Arab censuses of population in 2013 (ESCWA, 2013). This study had the same finding as to the first. Likewise, data from 1971, 1982, and 1994 Morocco censuses was introduced in T. Spoorenberg's work in 2007 (Spoorenberg and Dutreuilh, 2007). Furthermore, in 1973, Nagi and his collaborators assess the quality of age reporting of the first Morocco census of 1960 (Nagi, Stockwell, and Snavley, 1973). Accordingly, data on age was of very poor quality in 1960. Regarding the 2014 Morocco census, the ESCWA polished, in 2019, a paper aiming to assess the quality of age and sex data gathered in recent censuses in the UNESCWA region including Morocco. They employed three well-known demographic analysis techniques to summarise the disparities in census age and sex data quality between selected countries, as well as to show trends within countries over time (ESCWA, 2019). This study gave a general idea about the quality of age and sex data collected in the 2014 Morocco census, but it does not allow making a comparison between the 12 regions of Morocco. Furthermore, we applied some different indices to assess the quality of age reporting and measure the regularity of distributions by sex and age.

Thus, the main objective of this research is to examine the quality of age reporting in the 2014 Moroccan census using graphical and statistical demographic methods. In addition, we plan to provide clear and trustworthy information to decision-makers at Morocco's High Commission for Planning (HCP) to assist them in developing instruments to enhance the accuracy of age reporting in future censuses. The purpose is also to give the 2014 Moroccan census findings greater credibility. Furthermore, it appears that the data from this vital source of economic, demographic, and social data, on which strategies, policies, plans, and programs are based, must be assessed for its accuracy.



Data and Methods

The quality of age reporting

To assess the quality of age reporting in the 2014 Morocco census, we used some graphical and statistical demographic methods. Thus, we applied Myers' index (Myers, 1954) to measure preference for (avoidance of) specific digits (0-9). To assess the accuracy of the statistics by age group and the regularity of the age structure, we applied the United Nations Age-Sex Accuracy Index (UNACI) (Gendreau et al. 1985; Roger, Waltisperger, and Corbille-Guitton, 1981). We chose those methods because Myers' index gives information about preference for (avoidance of) all digits from 0 to 9, while Whipple's index measures preference for (avoidance of) only for two digits 0 and 5. In addition, the UNACI better reflects the overall accuracy of the statistics by age and sex and evaluates the regularity of the five-year age-sex structure. We also analysed the population pyramid and the pattern of sex ratios by five-year age groups. The quality of age reporting data was compared according to the 12 Moroccan regions involved in the census.

Myers' Index (M)

The Myers' index measures the preference or avoidance of ages ending in each of the digits between 0 and 9. Myers proposed to calculate for each of these digits a "blended sum" which, if there were no preference or avoidance, would be approximatively equal to 10% of the total blended population. M is the sum of the absolute differences in the percentages of each blended sum with the theoretical 10. If age heaping is non-existent, all blended sums are approximatively equal. Consequently, M would be approximatively 0 (Kpedekpo, 1982). The higher the value, the greater the preferences or avoidances for ages ending in a specific digit. Its maximum value (90) (Hobbs, 2004) is reached when there is a preference for all ages ending in the same digit. M is calculated by following the steps below:



Step 1: We calculate the sums S_u of the population aged 10 and over whose ages end with each of the figures 0 to 9 respectively.

Let $P(10d+u)$: the population whose age is in the tens d and in the units u .

Note S_u : the population aged 10 and over whose age as a number of units u :

$$S_u = \sum_{d=1}^{d_{max}} P(10d + u) \quad (1)$$

Step 2: Note $S'u$: the population aged 20 years and over whose age as a number of units u .

$$S'u = \sum_{d=2}^{d_{max}} P(10d + u) \quad (2)$$

Step 3: Myers' blended population is defined as:

$$T_u = (u+1) S_u + (9-u) S'u \quad (3)$$

Step 4: We calculate the total blended population T :

$$T = \sum_{u=0}^9 T_u \quad (4)$$

Step 5: Myers' index is :

$$M = \sum_{u=0}^9 \left| 100 * \frac{T_u}{T} - 10 \right| \quad (5)$$

United Nations Age-Sex Accuracy Index (UNACI)

The UNACI is different from the Myers' index. It is calculated based on distributions by age groups rather than by years of age and attempts to measure the regularity of the distributions by sex and age. Compared to Myers' method, it has the advantage that the calculated index reflects changes in the number of omissions in the count by age group, intentionally inaccurate age declarations and preferences for ages ending in a given number of units; therefore, this index better reflects the overall accuracy of the statistics by age (Gendreau et al., 1985). To calculate the UNACI, we need the distribution of the population by sex and by five-year (or ten-year) age groups.



We note by $Pm(i)$ and $Pf(i)$, the population of the different five-year age groups for male and female, from $i = 0$ (0-4 years) to $i = 14$ (70-74 years). We note also $m(i)$ and $f(i)$, age group ratios for each sex from $i = 1$ to 13. These ratios are calculated by relating the population in each age group to the arithmetic mean of the population in the following age groups:

$$m(i) = 100 * \frac{Pm(i)}{1/2[Pm(i-1)+Pm(i+1)]} \quad (6)$$

$$f(i) = 100 * \frac{Pf(i)}{1/2[Pf(i-1)+Pf(i+1)]} \quad (7)$$

The deviations from 100 in each of the previous reports are then calculated, followed by the age group ratio indices:

$$Jm = \frac{1}{13} \sum_{i=1}^{13} |m(i) - 100| \quad (8)$$

$$Jf = \frac{1}{13} \sum_{i=1}^{13} |f(i) - 100| \quad (9)$$

We note also $r(i)$, the sex-ratios:

$$r(i) = 100 * \frac{Pm(i)}{Pf(i)} \quad (10)$$

We calculate the differences between successive sex- ratios, the average of absolute values of these differences is:

$$k = \frac{1}{13} \sum_{i=0}^{12} |r(i) - r(i+1)| \quad (11)$$

United Nations Age Sex-Accuracy Index is then:

$$UNACI = Jm + Jf + 3k \quad (12)$$

If $UNACI < 20$, the data is of good quality;

If $20 \leq UNACI < 40$, the data is of relatively good quality and can be adjusted;

If $40 \leq UNACI$, the data is of very poor quality.



Data source

We used data from the 2014 Morocco census published by the HCP of Morocco (HCP of Morocco 2021).

Data analysis

We analysed data using SPSS 26.0 (Chicago, IL, USA) and Microsoft Excel 2016.

Results

Population pyramid

The five-year age groups population pyramid for Morocco, in 2014, is shown in **Figure 1**. It showed a symmetry between males and females. In addition, it reflects, clearly, the Moroccan population structure's overall tendencies (including fertility, mortality, and aging). Furthermore, it remains true that Morocco is in the third stage of the demographic transition. Indeed, the proportion of young people under 15 is decreasing; the working-age population (15-59 years) remains large; and the proportion of people aged 60 and over increasing.

The pattern of sex ratio by five-year age groups

The analysis of sex ratios by five-year age groups, presented in **Figure 2**, revealed that the overall sex ratio in Morocco was about 99 (98 in urban and 102 in rural) men per 100 women in 2014. At the age group [0-4], the sex ratio was 105 boys per 100 girls. In addition, a slight normal decline in older ages (65 and above) was detected.

Myers' index

In **Table 1**, we presented the Myers' index, by sex, area of residency, and region, according to the 2014 Morocco census. Accordingly, the overall Myers' index was 1.35 (1.39 for men and 1.32 for women). By area of residency, it was 1.50 in urban (1.71 among men and 1.30 among women), and 1.41 in rural (1.43 for men and 1.41 for women). Concerning regions, the lowest value of Myers' index was 1.20, found in Tanger-Tétouan-Al



Hoceïma and Drâa-Tafilalet. On the other hand, the highest value was 3.24, recorded in Dakhla-Oued Ed Dahab.

The analysis of digit preference and avoidance in age reporting by sex (**Figure 3**) revealed that all digit scores were approximatively equal and close to zero. Consequently, age heaping appears to be not present in 2014 Morocco census demographic data.

United Nations Age-Sex Accuracy index (UNACI)

The overall UNACI score for the total Moroccan population in 2014 was 20.62 (23.63 in urban and 20.45 in rural) (**Table 2**). By region, the UNACI was lower than (or very close to) 20 for Rabat-Salé-Kénitra (19.85) and Casablanca-Settat (20.74). For Marrakech-Safi, Souss-Massa, Fès-Meknès, Drâa-Tafilalet, Tanger-Tétouan-Al Hoceïma, Oriental, Béni Mellal-Khénifra and Laâyoune-Sakia El Hamra, the UNACI had a relatively good value. However, in Guelmim-Oued Noun and Dakhla-Oued Ed Dahab, the UNACI score was higher than (or very close to) 40.

Discussion

In this paper, we used some graphical and statistical demographic methods to assess the data quality related to age reporting in the 2014 Morocco census. Analysis of the age pyramid revealed that age misreporting appears to be minor in the 2014 Morocco census. It represents the main patterns of the Moroccan population structure (including fertility, mortality, and aging). In addition, Morocco is still in the third stage of its demographic transition. Furthermore, the fertility rate was 2.21 (2.55 in rural and 2.01 in urban) children per woman in 2014 (HCP of Morocco, 2018). Thereby, the fertility drops below the generation replacement threshold in urban. Our analysis showed, also, that there were no major anomalies in sex ratios, except a normal decline in older ages (65 and above) which could be attributed to the increase of life expectancy at birth among women (Seifarth, McGowan, and Milne, 2012).

We found that the total Myers' index was 1.35 (1.39 for men and 1.32 for women). It was 1.50 in urban areas (1.71 among men and 1.30 among



women) and 1.41 in rural areas (1.43 for men and 1.41 for women). It remained that all of those values of Myers' index were very low. Accordingly, we concluded that there was no age heaping in demographic data from the 2014 Morocco census. Differences between men and women appeared to be not significant. However, Fajardo-González and collaborators (Fajardo-González, Attanasio, and Ha, 2014) proved that the preference for terminal digits 0 and 5 was higher among females than among males.

In addition, our study showed an important improvement in the quality of age reporting in Morocco censuses. Indeed, the overall Myers' index improved by 87% compared to the 2004 Morocco census (10.0) (ESCWA, 2013) and by 92% compared to the 1882 Morocco census (17.7) (Spoorenberg and Dutreuilh, 2007). Compared to other countries, Myers' index for the total Moroccan population was slightly better than that calculated for the Iranian population in 2016 (1.6) (Sadoghi, Teimouri, and Pezhhan, 2020). Concerning regions, the value of Myers' index was very low and remains well within the range of good quality of age reporting in 11 regions. On the other hand, Dakhla-Oued Ed Dahab recorded a slightly high value compared to the other regions (3.24, were 4.66 for men and 1.30 for women). Nevertheless, a value of 3.24 remains very small compared to 90, but, compared to the other regions, data on age, in this region, could be improved in the coming census, especially among men.

The overall *UNACI* score for the total Moroccan population in 2014 was 20.62. This value suggests that grouped data was of good quality. Furthermore, the *UNACI* improved by 39% compared to 2004. It was about 33.6 in the 2004 Morocco census (ESCWA, 2013). In addition, we found that the *UNACI* score was slightly higher in urban compared to rural (23.63 against 20.45 respectively). This finding suggests that data from rural areas was more accurate compared to that from urban areas in the 2014 Morocco census. Similarly, Nagi and collaborators previously proved that "the urbanization variable does not appear to be strongly associated with the accuracy of age reporting" (Nagi, Stockwell, and Snavley, 1973). Besides, the *UNACI* score was lower than (or very close to) 20 for Rabat-Salé-Kénitra and Casablanca-Settat, suggesting that grouped age data was of good quality in those regions. In Marrakech-Safi, Souss-Massa, Fès-Meknès, Drâa-



Tafilalet, Tanger-Tétouan-Al Hoceïma, Oriental, Béni Mellal-Khénifra and Laâyoune-Sakia El Hamra, the value of the UNACI score was within the range of relatively good quality. On the other hand, grouped age data from Guelmim-Oued Noun and Dakhla-Oued Ed Dahab appears to be of poor quality, with a *UNACI* score higher than (or very close to) 40.

In this study, we used the Myers' and the United Nations Age-Sex Accuracy indices. One of the disadvantages of the Myers' index is that it is not possible to define precisely the theoretical conditions in which they take values 1 and 0 respectively. On the other hand, the advantage of the *UNAI* is that it is possible to assess the accuracy of the data in the form in which they are used, that is, by age group as defined above. The United Nations index is a raw index because it does not take into account the size of the population. However, when this size is small, the age distribution of the population is largely random and the value of the index is affected (Moultrie et al., 2017).

Conclusion

In this paper, we assessed, applying graphical and statistical demographic methods, the quality of age reporting in the 2014 Morocco census. According to our study, the age reporting data in the studied census was of good quality. Consequently, information from this census can be used to improve the country's development. However, we found that data on age, especially grouped age, in Guelmim-Oued Noun and Dakhla-Oued Ed Dahab was of poor quality. Thus, more attention should be paid to improving the quality of age reporting in the coming census in those regions, especially among men. This study provided decision-makers, in the HCP of Morocco, with clear and reliable information, to help them in developing tools to improve the quality of age reporting in the 2024 census.

Statement of ethical approval

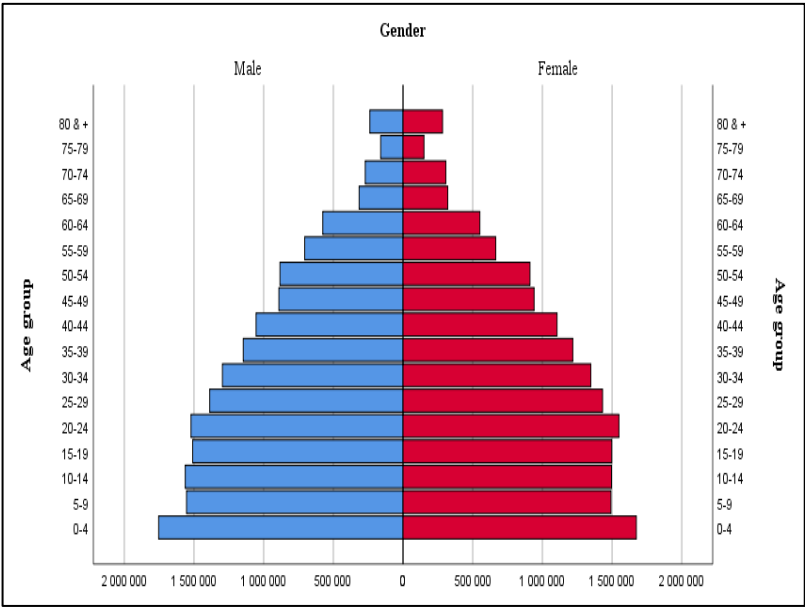
No ethical approval required for this research, which used publicly available datasets. Authors declare that there are no conflicts of interest.

Appendices: Figures 1, 2, 3 & Tables 1, 2



Figures:

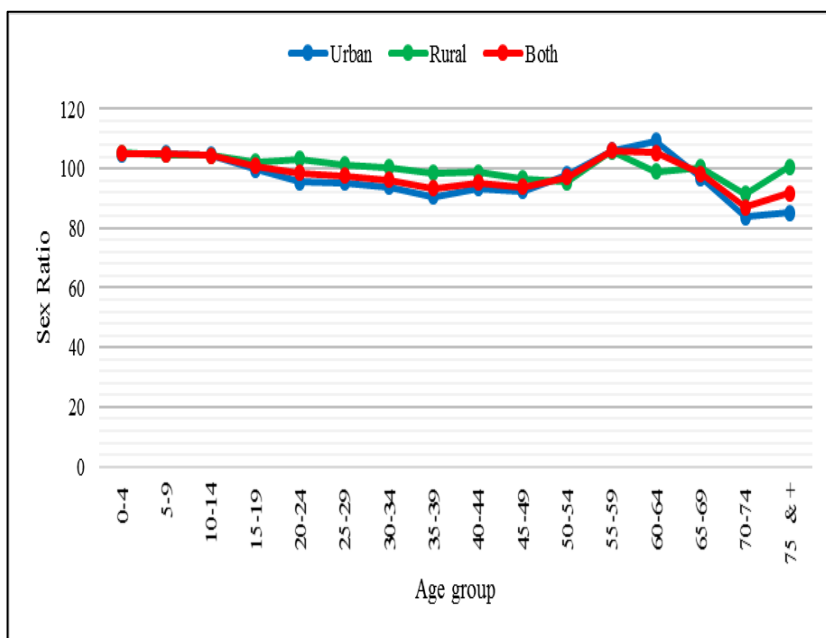
Figure 1: Population pyramid, the 2014 Morocco census



Source: Authors' work on the 2014 Morocco census data



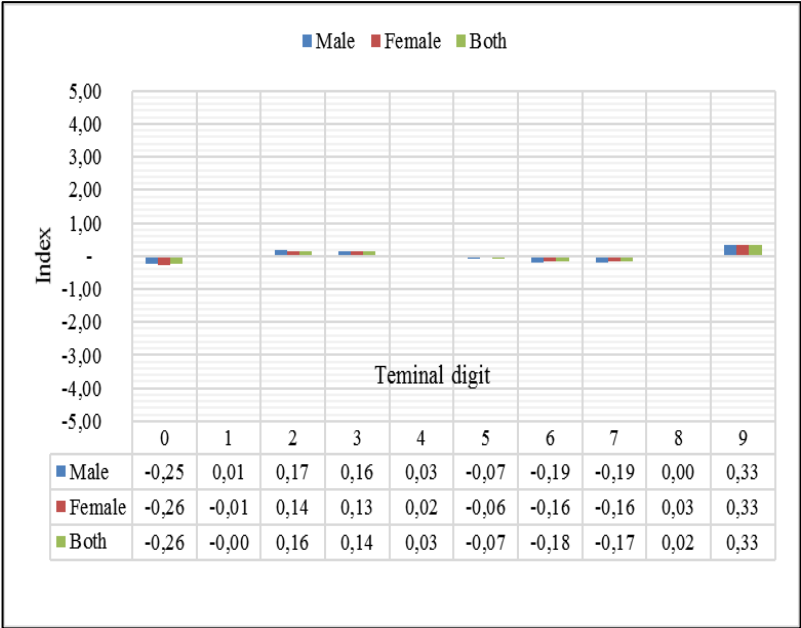
Figure 2. Sex ratio by five – year age groups and area of residency, the 2014 Morocco census



Source: Authors' work on the 2014 Morocco census data



Figure 3. Digit preference and avoidance in age reporting, the 2014 Morocco census



Source: Authors' work on the 2014 Morocco census data



Tables:

Table 1: Myers' index by sex, area of residency, and region, the 2014 Morocco census

	Male	Female	Both
Area of residency			
Urban	1.71	1.30	1.50
Rural	1.43	1.41	1.41
Region			
Tanger-Tétouan-Al			
Hoceïma	1.35	1.07	1.20
Oriental	1.55	1.61	1.58
Fès-Meknès	1.77	1.70	1.74
Rabat-Salé-Kénitra	1.36	1.47	1.42
Béni Mellal-Khénifra	1.36	1.42	1.39
Casablanca-Settat	1.68	1.34	1.46
Marrakech-Safi	1.39	1.24	1.31
Drâa-Tafilalet	1.32	1.09	1.20
Souss-Massa	1.47	1.54	1.49
Guelmim-Oued Noun	1.86	1.86	1.70
Laâyoune-Sakia El Hamra	1.69	0.96	1.33
Dakhla-Oued Ed Dahab	4.66	1.30	3.24
Total	1.39	1.32	1.35

Source: Authors' work on the 2014 Morocco census data



Table 2: United Nation Age Sex Accuracy Index (UNACI) by Area of residency and Region, the 2014 Morocco census

	Index	Component		
		Age ratio score male	Age ratio score female (%)	Sex ratio score x3
Area of residency				
Urban	23.63	7.14	5.32	3.73
Rural	20.45	6.25	7.09	2.37
Region				
Tanger-Tétouan-Al Hoceïma	27.03	7.98	7.84	3.74
Oriental	27.19	6.87	6.30	4.67
Fès-Meknès	23.59	8.22	6.38	3.00
Rabat-Salé-Kénitra	19.85	6.35	6.18	2.44
Béni Mellal-Khénifra	29.46	6.77	7.66	5.01
Casablanca-Settat	20.74	7.05	5.18	2.84
Marrakech-Safi	21.38	6.74	5.86	2.93
Drâa-Tafilalet	25.30	6.24	7.35	3.90
Souss-Massa	22.72	6.02	7.06	3.21
Guelmim-Oued Noun	39.45	7.05	8.38	8.01
Laâyoune-Sakia El Hamra	31.38	7.03	4.99	6.46
Dakhla-Oued Ed Dahab	90.96	12.80	9.07	23.03
Total	20.62	6.79	5.80	2.68

Source: Authors' work on the 2014 Morocco census data



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African Studies Centers – The First Inventory

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African Studies centers are knowledge producers about Africa and its diaspora communities. The disciplines within them provide strategic guidance and coordination for Africa-related education, research, publishing practices and training activities, and promote opportunities for collaboration with African partners. Common areas studied by such centers include but are not limited to the politics, language, history, archaeology and economics of Africa. But who is doing research – academic and otherwise – on Africa and its diaspora? It can be difficult to keep track of who is doing what and where and thus centers may have limited visibility to their potential correspondents. Filling the gap is this work.

As a compilation of African Studies centers, it is intended to help those who seek opportunities (scholarships, fellowships, conferences, study positions, research grants and job opportunities) and to promote cooperation. The researcher compiled information primarily from Google searches using keywords including “African Studies”, “African Studies Center”, “Africology” and “African and Oriental Studies”. Almost 150 globally recognised African Studies centers were found at different universities and research institutions. Despite efforts to include all centers, the current list does not claim to be complete and the author (who seeks to undertake a PhD program in a center) welcomes feedback from readers on entities that would have been worth listing.

Key words: African Studies Centers, African Studies



Americas (USA, Canada, Central America)

African Studies Center, Boston University

<https://www.bu.edu/africa/forstudents/graduate/>

Africana Studies Department, University of Massachusetts, Boston

<https://www.umb.edu/academics/cla/africana>

Department of Afro-American Studies, University of Massachusetts Amherst

<https://www.umass.edu/afroam/web-du-bois-department-afro-american-studies>

African Studies Certificate Program, Five Colleges

<https://www.fivecolleges.edu/academics/african-studies>

Department of African and African American Studies, Harvard University

<https://aaas.fas.harvard.edu/graduate-program>

Department of Africana Studies, University at Albany

<https://www.albany.edu/africana>

Africana Studies, Binghamton University

<https://www.binghamton.edu/africana/>

Africana Studies Program, New York University

<https://as.nyu.edu/africanastudies.html>

Center for the Study of Africa and the African Diaspora, New York

University <https://csaad.nyu.edu/>

Institute of African American Affairs, New York University

<https://nyuiaaa.org/>

African Studies, City University of New York

<https://www.qc.cuny.edu/academics/africana-studies/>

Black Studies Program, City University of New York

<https://www.ccny.cuny.edu/blackstudies>

Institute of African Studies, Columbia University

<https://www.ias.columbia.edu/>

African American Studies, Syracuse University

<https://thecollege.syr.edu/african-american-studies/>

African Studies Program, Central Connecticut State University

<https://web.ccsu.edu/afstudy/>

African Studies, Rutgers University

<https://ruafrica.rutgers.edu/>

African Studies Program, Johns Hopkins University

<https://www.sais-jhu.edu/content/african-studies#overview>



Center for African Studies, Stanford University
<https://africanstudies.stanford.edu/>
African Studies, St. Lawrence University
<https://www.stlawu.edu/african-studies>
African Studies, Wesleyan University
<https://www.wesleyan.edu/africanstudies/#>
African Studies, Columbia University
<https://www.ias.columbia.edu/>
African Studies Center, Cornell University
<https://africana.cornell.edu/>
Center Council on African Studies, Yale University
<https://african.macmillan.yale.edu/>
African American Studies, Princeton University
<https://aas.princeton.edu/about>
African Studies at Princeton University
<https://www.princeton.edu/academics/area-of-study/african-studies>
Africana Studies Center, New Jersey City University
<https://www.njcu.edu/university-centers/lee-hagan-africana-studies-center>
African and African American Studies, Dartmouth College
<https://aaas.dartmouth.edu/>
Department of Africana Studies, Brown University
<https://www.brown.edu/academics/gradschool/programs/africana-studies-0>
Africana Studies Department, Franklin & Marshall College
<https://www.fandm.edu/africana-studies>
African Studies Program, University of Pittsburgh
<https://www.ucis.pitt.edu/africa/node/1>
Center for African Studies, Duquesne University
<https://www.duq.edu/about/centers-and-institutes/center-for-african-studies>
Africology and African American Studies, Temple University
<https://liberalarts.temple.edu/academics/departments-and-programs/africology-and-african-american-studies/blockson-collection>
Center for Africana Studies, University of Pennsylvania
<https://africana.sas.upenn.edu/center>



African Studies Program, Pennsylvania State University
<http://polisci.la.psu.edu/>
African Studies, Ohio University
<https://www.ohio.edu/cis/african>
Pan African Studies Program, University of Akron
<https://www.uakron.edu/pan-african/>
Africana Studies, University of Cincinnati
<https://www.artsci.uc.edu/departments/africana-studies.html>
Africana Studies, University of Toledo
<https://www.utoledo.edu/programs/undergrad/Africana-Studies>
African Studies Center, University of Michigan
<https://ii.umich.edu/asc>
African Studies Center, Michigan State University
<https://africa.isp.msu.edu/graduate-studies/graduate-academic-programs/>
Program of African Studies, Northwestern University
<https://www.africanstudies.northwestern.edu/>
African Studies, University of Chicago
<https://africanstudies.uchicago.edu/>
African American Studies, Purdue University
<https://www.cla.purdue.edu/academic/sis/p/african-american/index.html>
African Studies, Indiana University
<http://www.indiana.edu/~afrist/home/>
African Studies Program, University of Wisconsin
<https://africa.wisc.edu/>
African Studies Program, University of Iowa
<https://guides.lib.uiowa.edu/africanstudies>
Center for African Studies, University of Illinois
<http://www.afrist.illinois.edu/>
African Studies Program, Georgetown University
<https://africanstudies.georgetown.edu/>
Institute for African Studies, George Washington University
<https://iafs.elliott.gwu.edu/about/>
Africa Program, Council on Foreign Relations
<https://www.cfr.org/programs/africa-program>



Department of African Studies, Howard University
<https://africanstudies.howard.edu/>
Institute for Afro-American and American Studies, University of Virginia
<https://woodson.as.virginia.edu/>
African and African-American Studies, Duke University
<https://aaas.duke.edu/>
African Studies, University of North Carolina, Chapel Hill
<http://africa.unc.edu/>
African, African American and Diaspora Studies, University of North
Carolina, Chapel Hill <https://aaad.unc.edu/>
African Studies Institute, University of Georgia
<https://afrstu.uga.edu/>
Institute of African Studies, Emory University
<http://www.ias.emory.edu/home/>
African and African Diaspora Studies Program, Florida International
University <https://africana.fiu.edu/about-us/>
Center for African Studies, University of Florida
<http://africa.ufl.edu/academics-programs/graduate-studies/>
African Studies, Gustavus Adolphus College
<https://gustavus.edu/africanstudies/>
African American and African Studies , University of Minnesota
<https://cla.umn.edu/aaas>
Africana Studies Department, Wayne State University
<https://clas.wayne.edu/afamstudies>
Pan-African Studies, University of Louisville
<http://louisville.edu/panafricanstudies>
Center for African and African American Studies, Rice University
<https://caaas.rice.edu/>
Africana Studies, Texas A&M University <https://liberalarts.tamu.edu/afst/>
Center for African and African-American Studies, University of Texas at
Austin. <https://liberalarts.utexas.edu/aads/index.php>
African Studies Center, Kansas University
<https://kasc.ku.edu/>
African and African-American Studies, Kansas University
<https://afs.ku.edu/>
Department of African and African American Studies, Washington University
in St. Louis <https://afas.wustl.edu/>



- African Studies Institute, University of Oklahoma
http://www.ou.edu/cis/sponsored_programs/african-studies-institute
- African Studies center, Arkansas University
<https://fulbright.uark.edu/area-studies/african-and-african-american-studies/index.php>
- Black Studies, Nebraska University
<https://www.unomaha.edu/college-of-arts-and-sciences/black-studies/>
- Africana Studies Program, University of Arizona
<https://africana.arizona.edu/>
- Africana Studies Program at the University of New Mexico
<https://africanastudies.unm.edu/>
- Center for African and African American Studies, University of Colorado
<https://www.colorado.edu/center/caaas/resources>
- African American Studies, Loyola Marymount University
<https://admission.lmu.edu/about/academics/majors/africanamericanstudies/>
- Africana Studies, San Diego State University
<https://africana.sdsu.edu/our-faculty/toombs>
- African Studies Center, University of California Los Angeles
<https://www.international.ucla.edu/africa>
- Department of African American Studies, University of California Los Angeles
<https://afam.ucla.edu/>
- African American Studies, University of California Irvine
catalogue.uci.edu/schoolofhumanities/departments/africanamericanstudies/
- Center for African Studies, University of California Berkeley
<https://africa.berkeley.edu/>
- Institute of African Studies, Carleton University, Canada
<https://carleton.ca/africanstudies/>
- Center for African Studies, Dalhousie University, Canada
<https://www.dal.ca/academics/programs/undergraduate/black-african-diaspora.html>
- African Studies Program, University of Toronto, Canada
<http://www.newcollege.utoronto.ca/academics/new-college-academic-programs/african-studies/>



African Studies Program, McGill University, Canada

<https://www.mcgill.ca/isid/undergraduate/afri>

African Studies, University of Calgary, Canada

<https://www.ucalgary.ca/pubs/calendar/current/african-studies.html>

Middle Eastern and African Studies, University of Alberta, Canada

<https://apps.ualberta.ca/catalogue/course/meas>

Institute of African and Diaspora Studies, University of West Indies, Jamaica

<https://www.uwi.edu/globalsystem.php#parentVerticalTab3>

Europe

African Studies, University of Cologne, Germany

<https://afrikanistik.phil-fak.uni-koeln.de/en/research/research>

Center for Interdisciplinary African Studies, Goethe University Frankfurt,

Germany [www.goethe-university-](http://www.goethe-university-frankfurt.de/50798396/Zentrum_fur_Interdisziplinare_Afrikaforschung_ZIAF)

[frankfurt.de/50798396/Zentrum_fur_Interdisziplinare_](http://www.goethe-university-frankfurt.de/50798396/Zentrum_fur_Interdisziplinare_Afrikaforschung_ZIAF)

[Afrikaforschung_ZIAF](http://www.goethe-university-frankfurt.de/50798396/Zentrum_fur_Interdisziplinare_Afrikaforschung_ZIAF)

African Studies, Johannes Gutenberg University Mainz, Germany

<https://www.blogs.uni-mainz.de/fb07-ifeas-eng/>

Institute for African Affairs, German Institute of Global and Area Studies,

Germany [https://www.giga-hamburg.de/en/the-giga/institutes/giga-](https://www.giga-hamburg.de/en/the-giga/institutes/giga-institute-for-african-affairs)

[institute-for-african-affairs](https://www.giga-hamburg.de/en/the-giga/institutes/giga-institute-for-african-affairs)

Institute of Asian and African Studies, Humboldt-University, Germany

<https://www.iaaw.hu-berlin.de/en>

African Studies, Leipzig University, Germany

<http://afrikanistik.gko.uni-leipzig.de/index.php/en/institut-en>

Graduate School of African Studies, Bayreuth University, Germany

<https://www.bigsas.uni-bayreuth.de/en/index.html>

Africa Center for Transregional Research, Albert Ludwig University of

Freiburg, Germany <https://act.uni-freiburg.de/en>

Asia-Africa Institute, Hamburg University, Germany

<https://www.aai.uni-hamburg.de/>

School of African and Oriental Studies, University of London, UK.

<https://www.soas.ac.uk/cas/>

Center for African Studies, Oxford University, UK

<https://www.africanstudies.ox.ac.uk>



- Department of African Studies and Anthropology, Univ. of Birmingham, UK
<https://www.birmingham.ac.uk/schools/historycultures/departments/dasa/index.aspx>
- African Studies, University of Birmingham, UK
<https://www.birmingham.ac.uk/postgraduate/courses/research/cwas/african-studies.aspx>
- Center for African Studies, University of Cambridge, UK
<https://www.african.cam.ac.uk/>
- African Studies Center, Coventry University, United Kingdom
<https://www.coventry.ac.uk/international-students-hub/partnerships-and-places-to-study/africa-centre/>
- African Studies, University of Sussex, UK
<https://www.sussex.ac.uk/study/phd/degrees/global-studies/african-studies>
- Center for African Studies, University of Leeds, UK
<https://lucas.leeds.ac.uk/>
- University of Edinburgh, Center of African Studies, UK
<https://www.sps.ed.ac.uk/centre-african-studies>
- African Languages Research, University of Gothenburg, Sweden
<https://www.gu.se/en/languages/african-languages-research>
- Nordic Africa Institute, Uppsala University, Sweden
<https://nai.uu.se/about/job/index.xml>
- Forum for Africa Studies, Uppsala University, Sweden
<http://www.afrikastudier.uu.se/en/>
- African Studies, Dalarna University, Sweden
<https://www.du.se/en/study-at-du/programmes-courses-and-course-packages/programmes/one-year-master-programme-in-african-studies/>
- Institute of African Studies, Russian Academy of Sciences, Russia
<http://www.inafran.ru/en/>
- Institute of Asia and African Studies, Lomonosov Moscow State University, Russia
<http://www.iaas.msu.ru>
- Department of African Studies, St. Petersburg University, Russia
<https://www.orient.spbu.ru/en/>
- African Studies, University of Copenhagen, Denmark
<https://studies.ku.dk/masters/african-studies/>



- African Studies, Aarhus University, Denmark
<http://talent.au.dk/da/phd/doctoralexcellence/joint-phd-pilot-program/african-studies/>
- Center of African Studies, University of Copenhagen, Denmark
<https://teol.ku.dk/cas/>
- Center for African Studies Basel, University of Basel, Switzerland
<https://zasb.unibas.ch/en/>
- African Studies Center, ETH Zurich, Switzerland
<http://www.css.ethz.ch/en/services/css-partners/partner.html/88081>
- African Studies Centre, University of Lisbon, Portugal
<https://www.iscte-iul.pt/course/42/phd-program-in-african-studies>
- Center for African Studies, University of Porto, Portugal
https://sigarra.up.pt/flup/en/uni_geral.unidade_view?pv_unidade=659
- Faculty of Oriental Studies, University of Warsaw, Poland
<http://orient.uw.edu.pl/faculty-of-oriental-studies-university-of-warsaw/>
- Center for African Studies, Jagiellonian University, Poland
https://en.uj.edu.pl/en_GB/about-university/faculties-and-other-units/university-wide-units/centre-for-african-studies
- African Studies, University of Vienna, Austria
<https://afrika.univie.ac.at/en/>
- African Studies, Ghent University, Belgium
<https://www.africanstudies.ugent.be/en/programme/>
- Center for African Studies, Charles University, Czech
<https://cuni.cz/UKEN-1049.html>
- Asian and African Studies, Slovakia Slovak Academy of Science, Slovakia
<https://orient.sav.sk/en/asian-and-african-studies/>
- African Studies Norwegian University of Sciences and Technology, Norway
<https://www.ntnu.edu/studies/aafr>
- African Studies Center, Leiden University, The Netherlands
<https://www.ascleiden.nl/>

Africa & Mid-East / West Asia

- African Studies Programs, University of Free State, South Africa
<https://www.ufs.ac.za/humanities/departments-and-divisions/centre-for-gender-and-africa-studies-home/academic-information/africa-studies-programme>



- Department of African Languages, University of Venda, South Africa
<https://www.univen.ac.za/faculties/humanities-social-science-and-education/department-of-african-languages/>
- Center for African Studies, University of Cape Town, South Africa
<http://www.africanstudies.uct.ac.za/cas/about>
- African Language Studies Department, University of the Western Cape, South Africa
<https://www.uwc.ac.za/study/all-areas-of-study/departments/department-of-african-language-studies/overview>
- Center for Africa and International Studies, University of Cape Coast, Ghana
<https://cais.ucc.edu.gh/>
- Institute of African Studies, University of Ghana, Ghana
<https://ias.ug.edu.gh/>
- Institute of African Studies, University of Ibadan, Nigeria
<https://ias-ibadan.org/>
- Institute of African and Diaspora Studies, Lagos University, Nigeria
<https://iads.unilag.edu.ng/>
- Dept Anthropology, Gender and African Studies, Nairobi, Kenya
<https://african-studies.uonbi.ac.ke/>
- African Studies, Addis Ababa University, Ethiopia
[http://www.aau.edu.et/css/academics/african studies/ programs-in-african-studies](http://www.aau.edu.et/css/academics/african%20studies/programs-in-african-studies)
- Institute of African Studies and Research, Cairo University, Egypt
<http://african.cu.edu.eg/>
- African Studies, New York University Abu Dhabi, Abu Dhabi
<https://nyuad.nyu.edu/en/academics/divisions/arts-and-humanities/academic-programs/african-studies.html>
- Africa Research Program, Tel-Aviv University, Israel
<https://dayan.org/content/africa-research-program-arp>
- African Studies, Israel Open University, Israel
<https://www-e.openu.ac.il/programs/G325.html>
- African Studies Program, Ben-Gurion University, Israel
<https://in.bgu.ac.il/en/humsos/Pages/african-studies.aspx>
- Department of African Studies, University of Ankara, Turkey
<https://www.ankara.edu.tr/en/dizin/merkezler/afrika-calismalari-arastirma-ve-uygulama-merkezi/>



Asia & Oceania

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University, China <http://www.saas.shisu.edu.cn/>
Center for African Studies, Peking University, China
<https://caspu.pku.edu.cn/en/aboutus/>
School of Asian and African Studies, Beijing Foreign Studies University,
China <http://global.bfsu.edu.cn/en/school-of-asian-and-african-studies/>
Department of African Studies, University of Delhi, India
<http://www.du.ac.in/du/index.php?page=african-studies>
Center for African Studies, Jawaharlal Nehru University, India
<https://www.jnu.ac.in/sis/cas>
Center for African Studies, University of Mumbai, India
<https://mu.ac.in/departement-of-african-studies>
African Studies Center, Tokyo University, Japan
<http://www.tufs.ac.jp/asc/english/about/ascintroduction.html>
African Studies, Kyoto University, Japan
<https://www.africa.kyoto-u.ac.jp/en/>
Institute of African Studies, Hankuk University of Foreign Studies, South
Korea <https://hufsenglish.hufs.ac.kr/>
African Studies Group, University of Melbourne, Australia
<https://africanstudiesgroup.com.au/>
Africa Research Group Murdoch University, Australia
<http://www.murdoch.edu.au/Africa-Research-Group/>
African Studies Association of Australasia and the Pacific, Australia
www.afsaap.org.au
ANU Africa Network, Australia
<http://africanetwork.weblogs.anu.edu.au/>



Toyin Falola. Decolonizing African Studies: Knowledge Production, Agency, and Voice. Rochester, NY: University of Rochester Press, 2022; xii + 678 pp. ISBN: 9781648250279.

Prolific Nigerian-American historian, Toyin Falola, has produced a freewheeling and polemical history and handbook to decades-long debates over the decolonisation of African studies. The book is positioned in the context of and in continuity with decolonialisation “from the start of political decolonization (the 1950s) to the present time,” focusing on subsequent waves of “emergent academic elite” (pp. 2-3). In the 21st century, Falola argues the decolonial struggle “has moved almost entirely to academic fields—with an emphasis on the ever-growing importance of research in developing ways to break free of the African socioeconomic squeeze fostered by capitalist structures” (p. 10), so although direct European political dominance over Africa has ended, Falola is wont to remind readers of Africa’s continued marginalization within global capitalism, particularly the global knowledge economy. Epistemological decolonisation is thus defined as the end of “colonial-like relations ... in the knowledge production processes of Africa” (p. 9), or the end of the “Eurocentric monopoly of knowledge and the exclusion or marginalization of African epistemology or perspectives in research methodologies” (p. 11), with later chapters in the rather loosely edited book offering their own additional definitions.

Falola’s introduction promises both radicalism and reasonableness. He seeks to present a “balanced overview of what a feasible decoloniality should look like,” while simultaneously “identifying and critiquing the limitations to decoloniality” (p. 11). At certain points his approach is in keeping with the critical self-reflection ongoing globally in academia for decades, with common professional concerns appearing, such as the inaccessibility of academic jargon, and negotiating insider/outsider dynamics. Falola also reflects on some basic problems in African universities that will be familiar, albeit to lesser degrees, among academics in even wealthy countries like Australia, including a lack of funds and time allocated to research and the limited impact of research on policy. At other points in the book, however, the author envisages a decoloniality far beyond what even radical student activists have been demanding, such as South Africa’s Fallists



whose protests have inspired him. Decolonisation is intertwined with desecularisation for Falola, who would reject the very notion of the secular as un-African. In elevating indigenous subaltern epistemologies he seeks to place traditional African religious practices at the core of public life. Christianity and Islam are conversely presented as perpetually alien intrusions upon the continent, except when required to make the case for “precolonial universities in Africa” (pp. 352-3), also one of the few references to North Africa in the book. Therefore, despite its radical tone—anti-racism protests and anti-capitalist politics are recurrent concerns—there is an inescapable traditionalism to Falola’s argument; modernity is depicted as a moral calamity.

The first section, “Knowledge Production,” offers a substantial and critical overview of aspects of decolonial discourse, focusing on questions of epistemology, and although the focus is very much sub-Saharan Africa, Falola notes the importance of Latin American decolonial theory. The approach in this section, indeed in much of the book, is often quite general and polemical, however, with Falola’s representatively lumping together “explorers and ethnographic researchers,” as if nothing had changed since the times of Sir Richard Burton (p. 115). This depiction of an arrogantly unreflexive Global North fails to acknowledge how central research ethics and debates over representational practices have become in the (social) sciences since the 1970s, nor how ubiquitous postcolonial considerations have become in the humanities. However, precisely because of the ubiquity of postcolonial humanities and reflexive research practices, Chapter 4, on decolonising methodologies, is valuable in arguing for the necessity of “generat[ing] indigenous models of knowledge production or research fueled in proportionate levels by both indigenous and modern ways of knowing” (p. 135). Most scholars will dissent from some of the ways of knowing Falola prescribes—divination, for example—but the chapter demonstrates decoloniality is not merely a matter of reforming dominant paradigms, no matter how ethically aware we have become.

The second section, “Agencies and Voices,” begins with two long chapters engaging with the work of key scholars of decolonisation and decoloniality. Falola draws in Latin American theory, once again, but overviews of key African scholars are painted with broad brushstrokes. The influence of Marxism on decoloniality comes through strongly, albeit



depicted as little more than communitarian critiques of European capitalism, in accord with African moral economies. The conflation is so complete that Falola can claim, in a section on Walter Rodney's economic history, that "[b]efore European contact in the fifteenth century, it was common knowledge in Africa that Marxism and communalism would be useful for collective progress as a culture" (p. 201). Chapter 10 offers a wide-ranging overview of feminist approaches to decolonisation, while Chapter 11, addressing LGBTQ issues, analyses homophobia on the continent, with a few passing references to (de)coloniality, such as criticising homophobic nationalism. Falola assimilates western liberal categories and politics surprisingly uncritically, unlike other scholars such as Joseph Massad who query the adoption of contemporary western sexual categories in non-western cultural contexts.

The third and final section, "The Disciplines," focuses on decolonisation in interrelated fields: education, language, religion and literature. Chapter 15, on "Identity and the African Feminist Writer" is the most tightly argued chapter in the book, along with Chapter 19 on "Decolonizing African Philosophy." Other chapters in this section present many policy ideas, but none are explored in any detail. Taken together, however, they point towards the "African Futurism" Falola outlines in the final chapter, a decolonized Africa incorporating precolonial and postcolonial technologies and epistemologies. Chapter 12, "Decolonizing the African Academy," thus encourages universities to explore nuclear technology while teaching traditional canoe-making, and to Africanise medical and mining research while working with local companies to take pharmaceutical production out of the hands of foreign capitalists—the only thing less welcome than their exports seems to be their investments. In Chapter 18, Falola calls for the establishment of African traditional religions as state religions, granting traditional religious leaders corresponding political power—even if he later rejects these traditional belief systems "as a basis for an African identity and unity" (p. 609). He similarly argues for incorporating traditional religious practices, such as divination, into school curricula, and incorporating traditional religious beliefs, such as spirit possession, ancestor veneration and astrology, into scientific research. It's difficult to reconcile these suggestions with the author's praise of Marxist scholarship and calls for developing national space programs elsewhere in



the book, but Falola envisages the universities of the future teaching both astronomy and astrology. There is value in bringing attention to the modalities and epistemologies that any deep decolonisation program must reckon with, sooner or later, and in moving far beyond the scholarly self-critique that constitutes much decolonial discourse, Falola's book is an engaging read.

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