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بعث أفريقيا الغد في سياق التحولات المعولمة :

رهانات و آفاق

Contractual Schemes in Africa's Political Development: Conceptualizing Old Practices and Establishing Relevance with New Governance Models in the 21st Century

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“The Ethiopian emperors who contributed to the establishment of the bureaucratic empire were all well aware of the critical need to expand their reservoir of flexible resources in order to increase their autonomy and to strengthen their authority in relation to other groups in society. Flexible resources were simply diplomatic, manpower, monetary, and secularly based institutional resources that could be exclusively manipulated by an emperor.”

Edmond Keller¹

“Economic life in colonial Africa was stereotypically divided into three spheres. At the top were Western firms, modern, efficient, Weberian, highly capitalized, and organized on the joint-stock principle. In the middle were the ‘Asiatic’ intermediaries, often compared to Jews. Their funds came from ‘usury’, and their modest property was attributed to close knit community bonds, based on family, religion, caste and similar ‘pre-modern’ social structures. At the bottom of the social heap were ‘natives’, ignorant, simple-minded, living for the moment, and incapable of rational economic behavior.”

William Gervase Clarence-Smith²

Introduction

Conventional wisdom with regard to political and economic development of Africa gives weight to the colonial origin of the modern state and institutions. However, since the seventeenth century until World War I, African political leaders entered into economic and political agreements with foreign firms, transnational corporations, and signed procurement contracts for the delivery of various goods and services. These contracts present the theorist with an interesting challenge: where (if anywhere) do we place procurement practices in the history of state formation in Africa? It is my contention that these contracts suggest at least two things. Firstly, bargains and deals have always characterized Afro-European-Asian encounters. Secondly, by entering into contractual agreements of various kinds with their European-Asian counterparts, African leaders made it difficult to interpret subsequent changes in global trade and processes of state formation from the vantage point of imperialism and/or colonial interests only.

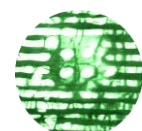
Drawing from various historical documents,³ the paper uses process tracing methods and analytic narratives to establish the relationship between historical contractual practices and state formation in nineteenth-century East Africa. I trace the process through which local political leaders historically sought to secure monopolistic deals over trade with foreign

¹ Keller, Edmond. *Revolutionary Ethiopia: From Empire to People's Republic*. Bloomington: Indiana University Press, 1988, 16.

² Clarence-Smith. “Indian and Arab entrepreneurs in Eastern Africa (1800-1914)” in *Négoce Blanc en Afrique Noire: L'Évolution du Commerce à Longue Distance en Afrique Noire du 18ème au 20ème Siècle*. Publication de la Société Française d'Histoire d'Outre-Mer. Paris: Alterna, 2001, 334.

³ Data sources: Millette, A. J. (1973). *Treaties in Force 1889-1971: Draft List of Treaties and Other International Agreements of Ethiopia*.

Seaton, E.E. and S. T. Maliti. *Tanzania Treaty Practice*. Dar Es Salaam: Oxford University Press, 1973; Rubenson, Sven. Editor. *Internal Rivalries and Foreign Threats 1869-1879*. Acta Aethiopica. Vol. III. Addis Abeba: Addis Abeba University Press, 2000; Rubenson, Sven. *Correspondence and Treaties 1800-1854*. Acta Aethiopica. Vol. I, Addis Abeba: Addis Abeba University Press, 1987.



entrepreneurs through incomplete contracts for tangible economic goods (arms trade, slave trade, manufactures...etc.,) and intangible political goods or services (security, knowledge, independence...etc.,). By showcasing agents' bargaining strategies in contractual agreements, the paper sheds lights on notions of sovereignty and independence articulated through public contracting in Africa's political development.

Historical understanding of notions of independence and sovereignty by procurement practitioners in East Africa provide seeds for thought in controversial debate about government outsourcing today. Is outsourced sovereignty always threatening?⁴ Can we outsource sovereignty and remain independent? These are perhaps the most important conceptual queries that make East Africa's historical contractual experience pertinent today as new public-private partnerships for development, including government outsourcing, increasingly call for the use of private means to solve public problems in the developing countries.⁵ Questions of sovereignty and independence within contractual schemes remain under researched in the non-Western world.⁶ Yet, scholarship has uncovered the many ways in which public contracting historically transformed state power in the West.⁷ The paper addresses this omission in African studies by shifting focus from a commodity-oriented approach to a transactional analysis of the transformation of political power and institutions through historical procurement practices. The paper, however, does so by retrieving the agency of African leaders as strategic players in historical contractual schemes leading to the formation of a modern state on the continent.

The paper presents important empirical findings that challenge the exclusive economic-focus of current procurement models as ahistorical and suggests new directions for further research. Here I argue that intangibles such as independence have historically been the return to politics contracting services and goods from private suppliers. Political intangibles are indeed the unseen wealth of the political economy of government procurement.⁸

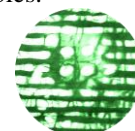
⁴ See Verkuil, Paul R. (2007). *Outsourcing Sovereignty: Why Privatization of Government Functions Threatens Democracy and What we Can do About it*. Cambridge: Cambridge University Press. The author suggests that outsourcing always threatens democracy because there is a fundamental link between sovereignty and democracy.

⁵ See for example the United Nations Goals and the Post-2015 Development Agenda calling for more partnership between the public and private sector for a sustainable development <<http://www.un.org/en/ecosoc/about/mdg.shtml>> (September, 2014).

⁶ Carland, John M. *The Colonial Office and Nigeria, 1898-1914*. Stanford: Hoover Institution Press, 1985; Sunderland, David. *Managing the British Empire: The Crown Agent, 1883-1914*. Suffolk: The Royal Historical Society, 2004.

⁷ Baker, Norman. *Government and Contractors: The British Treasury and War Supplies 1775-1783*. London: University of London: The Althone Press, 1971; Cooley, Alexander and Hendrik Spruyt. *Contracting States: Sovereign Transfers in International Relations*. Princeton: Princeton University Press, 2009; Spruyt, Hendrik. *The Sovereign State and its Competitors*. Princeton: Princeton University Press, 1994.

⁸ The idea of intangibles as 'unseen wealth' is borrowed from Blair, Margaret and Steven Wallman. *Unseen Wealth: Report of the Brookings Task Force on Intangibles*. Washington D.C: The Brookings Institution Press, 2001. My concern, however, is not about the management, measurement, and reporting of intangibles.

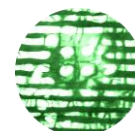


If procurement has been one of the ways in which nations invented independence data leave theorists with the task of reimagining the concept of state, democracy, and sovereignty especially today as the core functions of government such as monopoly over the use of violence,⁹ are being contracted out to private suppliers. Indeed, we live in an age where public procurement, or the process through which government acquires from private suppliers the goods and services it needs to accomplish its public mission, is transforming the relations between citizens and state. Nevertheless, those who worry about the future of democracy given the outsourcing of many of government's functions to private contractors treat the idea of independence as deriving from other sources than the historical contractual practices of nations and states. Thus, by focusing on the interpretation of the idea of independence on the East African coast, and by showing how procurement enhanced rather than diminished such a concept, African historical data provide a critique of existing notions of the state based on ahistorical and abstract ideas from Hobbes and consorts. To the extent that historical evidence may help reframe the debate over the means and ends of development today, it is suggested that models of public-private partnerships, however popular, that do not fundamentally secure the independence of the state in the long-run may serve other purposes than development in Africa.

Before I proceed with the analysis, a cautionary note is in order. The region of East Africa under consideration here could roughly be said to cover the territories ranging from modern Sudan to Mozambique. It is useful to remember that specific cases to be discussed in detail in the following paragraphs should not be taken for a history of the modern states as defined by the territorial boundaries in existence today. Instead, keeping in mind shifting territorial boundaries since nineteenth century, cases under consideration are coded as “configurations” of strategic challenges at historical junctures. To the extent that I abstract from the national history, I do so with the sole purpose of identifying dominant strategic factors and themes such as political independence and sovereignty that shaped competition for the procurement of tangible and intangible goods. In this endeavor focus remains on the

I understand the intellectual, political, and social premise of intangibles in the procurement process as inseparable from the economic and profit motive of agents. Political independence is one of such motives.

⁹ Particularly concerns about the outsourcing state violence to private contractors in a context of peace and war in the twentieth century revolve around prison management (see Tabarrok, Alexander. Editor. *Changing the Guard: Private Prisons and the Control of Crime*. California: The Independent Institute, 2003; Blakely, Curtis R. *America's Prisons: The Movement Toward Profit and Privatization*. Florida: Brown Walker Press, 2005; Selman, Donna and Paul Leighton. *Punishment for Sale: Private Prisons, Big Business, and the Incarceration Binge*. New York: Rowman & Littlefield, 2010), the use of torture and indiscriminate killings in the war on terror (see Singer, P.W. *Corporate Warriors: The Rise of the Privatized Military Industry*. Ithaca: Cornell University Press, 2003; Avant, Deborah D. *The Market for Force: The Consequence of Privatizing Security*. Cambridge: Cambridge University Press, 2005; Pelton, Robert Young. *Licensed to Kill: Hired Guns in the War on Terror*. New York: Three Rivers Press, 2006; Scahill, Jeremy. *Blackwater: The Rise of the World's Most Powerful Mercenary Army*. New York: Nation Books, 2007; Rasor, Dina and Robert Bauman. *Betraying our Troops: The Destructive Results of Privatizing War*. New York: Palgrave Macmillan, 2008; Uessler, Rolf. *Servants of War: Private Military Corporations and the Profit Conflict*. Translated by Jefferson Chase. New York: Soft Skull Press, 2008; Hartung, William D. *Prophets of War: Lockheed Martin and the Making of the Military-Industrial Complex*. New York: Nation Books, 2011).



decisional process, the *choice* of trade and political partners, and the strategies of acquisition of goods and services through contracting given asymmetric distribution of power among rival groups.

To better capture economic and political dynamics in East Africa and the ways in which contracting tangible and intangible goods transformed political and economic power, I have divided the coast into two sub-regions: the upper-northern region with Ethiopia (also known as Abyssinia in the pre-modern era) as the most influential player, and the southern coast with Zanzibar as the leading political and economic broker. The name Abyssinia and Ethiopia are used interchangeably in historical documents scrutinized in this analysis. However, because data analyzed here mostly reflect transactions that took place in early nineteenth-century and beyond, I use the name Ethiopia throughout my analysis. Thus, data summarily capture the contractual transactions under emperor Tewodoros II (1855-1868) as well as the briefly self-proclaimed Emperor Tekle Giyorgis II (1868-1872) on the death of Tewodros, Yohannes IV (1872-1889), and Menelik II (1889-1913). First, I present the general strategic context in each sub-region and follow up with the analysis of disaggregated data to compare the contractual contexts and patterns of specific agents.

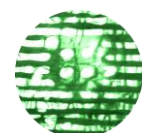
I. The Upper Region

In the nineteenth century, the Abyssinian Empire (which roughly encompassed what is present day Ethiopia) appeared as the most internationally connected political entity in the northeastern region. Ethiopia's contractual practices rivaled those of old European kingdoms. For they were not just written in a local language (Amharic and Ge'ez), they also bore a particular aesthetic intended to showcase political power at its highest level of sophistication. Signatures, customized ornamental seals, the use of witnesses, a sophisticated diplomatic language, and a variety of styles leave no doubt in the reader's mind about the standing of Ethiopia as a great power among the greatest in this period.¹⁰ Ethiopia stood as the oldest known place in Africa to foreigners; its ancient Christianity amidst pagans and later Muslim neighbors was a highly symbolic currency that incentivized the Christian kingdoms of Europe and Asia to seek friendship for commerce and military reasons.

Ethiopia's contractual activities mostly took a bilateral form [Table 1.a] with Italy, Great Britain, France, and the United States [Table 1.b] from roughly 1840 to 1914 [Figure 1.1]. In a context of a long-standing history of official negotiations with Europe, Ethiopia's history of public procurement of tangible and intangible goods and services shows that private (commercial and religious) entrepreneurs played a central role as brokers of trade contracts

¹⁰ Rubenson, Sven. Ed. *Internal Rivalries and Foreign Threats 1869-1879*. Acta Aethiopica. Vol. III. Addis Abeba: Addis Abeba University Press, 2000.

_____. Ed. *Correspondence and Treaties 1800-1854*. Acta Aethiopica. Vol. I, Addis Abeba: Addis Abeba University Press, 1987.



and land concessions. In all figures the vertical axis represents the number of contracts and the horizontal axis the year of the deal.

Table 1.a. *Bilateral and multilateral contractual patterns of Ethiopia*

Rows are levels of ET (Ethiopia)

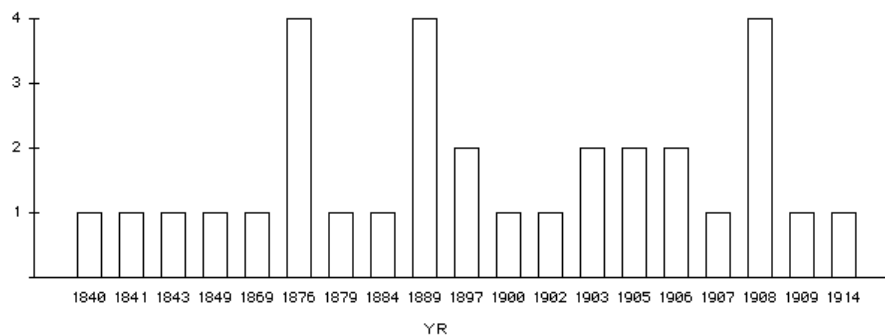
Columns are levels of CP (contractual patters [0] bilateral, [1] multilateral

	0	1	Total
ET	30	2	32
Total	30	2	32

Table 1.b. *Contingency table: Ethiopia's foreign partners. The main contracting parties were Italy, Great Britain, France, and the US. Belgium, Austria-Hungary and Germany were minor trade partners.*

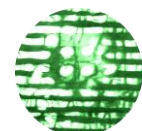
	AUH	BL	FR	GB	GR	IT	US	Total
ET	1	1	9	8	1	10	2	32
Total	1	1	9	8	1	10	2	32

[Figure 1.1] *Contracting activities of Ethiopia by year (1840-1914)*¹¹



Data reveal three peak years in economic and political diplomacy: First, 1876 after the British punitive expeditions of 1868 when Ethiopia was under Emperor Theodore II. Second, 1889 period marking the Mahdist invasion of Ethiopia (1887-9), the battle of Adwa (1896) where Ethiopians inflicted a monumental defeat to Italian troops, and the treaty of Addis Abeba securing Ethiopian independence under emperors Yohannes IV and Menelik II. Third and last, 1908 year of the agreement defining the frontier of the Italian colony of Eritrea and Ethiopia under emperor Menelik II.

¹¹Y= number of contractual agreements X= Year.

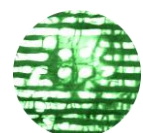


The correlation between a high volume of contracting activities and Ethiopia's most important historical crises suggests the procurement of goods and services from suppliers took place in a politically stressful environment. Strategy and decisional processes in this context were not necessarily designed to foster economic self-sufficiency, but to preserve political independence; a pre-requisite to creating a lasting union as the country became more centralized. For the enemies of a united Ethiopia were not just foreign, they were domestic also.

Before its consolidation in the mid-nineteenth century, independent princes ruled Ethiopia (~ late 1700s to 1855). The country was united and centralized as a state under Emperor Tewodros around 1855. The consolidation of monarchical power was constantly contested by internal rebellion and external aggressions mainly from Egypt. At times Christianity helped promote peace; at other times, it worked against it. Thus, the project of national unity, the centralization of power, and the ambition to be taken seriously at the world stage made international cooperation and domestic coordination paramount to Ethiopia's survival. Starting in 1840, data capture the decisional motivation, the change in political values, and paradoxes of contractual choice in the context of state building when regional princes still had tremendous discretionary power over foreign exchanges.

Whereas we are used to understanding historical contractual practices in Africa as mere replicas of economic practices originating in Western Europe, the case of Ethiopia challenges such overbearing unidirectional assumptions. A close reading of the language and substantive content of contract documents reveals a highly skilled people that used what could be called reverse auctioning as a strategy for the procurement of the goods and services they needed in the process of state-building.

To see Ethiopia's contractual history as a configuration of auction-like strategies has implication for theory building. An auction is a process through which the procurement of goods and services is open up for bid and items are sold to the highest bidder. In contrast, a reverse auction is a process through which goods and services are purchased rather than sold to the auctioneer thus reversing the role of buyer and seller. It is typically assumed that price decreases in reverse auctioning through competition between the sellers. While reverse auctioning is applied today in government procurement, the strategy worked for Ethiopia well before theory made sense of it. Ethiopia successfully combined auction and reverse auction by *buying* legitimacy in the global market of reputation at a cheap price and by *selling* to the highest bidder trade privileges in its territory. It was through the manipulation of the buyer and seller positions in the process of empire building that Ethiopia maintained its independence despite foreign encroachment in late nineteenth-century. Hence, Ethiopia did not just contract; princes and emperors changed the agents, direction, and discourse over public contracting.



Ethiopia and France

The Ethiopian case is useful to investigating the ways in which contracting historically transformed political power and institutions and the clash that ensued between collective monopolistic forces and individuals aspirations. This struggle for decentralization and centralization is seen in the contractual activities and framing of transactions during the era of princes (1769-1855) “when the regional rulers held the real power in the country and the King of Kings in Gondar became but a puppet in the hands of his regents.”¹² Ethiopia used Christianity to finesse reputation among the Christian kingdoms of Europe especially with France. On September 12th, 1840, a contract between “Sovereign Mahmud Hasan and Badri, judge and religious head, and Edmond Combes charged by the French government, Frederic Broquant, Legion of Honor,”¹³ for the sale of the island of Kordumyat situated in modern day Eritrea, was signed. In ceding to France a piece of land, the Ethiopian sovereign and judge made it clear that they were acting out of their “own free will.”¹⁴ Three years later, a treaty of friendship was concluded between “Sahle Sillase, king of Shewa & the Great Louis Philippe, king of France” for the peace of Jerusalem promising more preferential concessions.¹⁵ The Ethiopian kings in this case were regional princes.

On June 15th, 1876, “Menelik II, by the Grace of God king of Shewa” granted a coal mine concession to Pierre Arnoux representing the French-Ethiopian society.¹⁶ If the first contract took place between a regional prince and a French representative, this one occurred at a time when the centralization of Ethiopia was in full swing. Thus, even as political rule changed hands in Ethiopia the tendency to give perks to public and private French citizens remained part of a strategy of self-aggrandizement that paid off. Wielding natural resources concessions with cultural heritage, international reputation was cheaply bought through contracting and lobbying.

By this document we authorize Mr. Pierre Arnoux to cede in our name, without payment and with full ownership, to the French-Ethiopian society to be established in France, the coal mine which is found near Chenno...besides the mine, also the territory necessary for the accommodation of the workers and the exploitation of the coal mine. The company undertakes to construct at its expense a road as far as the river Awash for the transportation of its coal.¹⁷

¹² Abir, Mardochai. *Ethiopia: The Era of the Princes*. Washington: Praeger, 1970, xxiii.

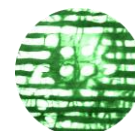
¹³ Rubenson, Sven. Editor. *Correspondence and Treaties 1800-1854*. Acta Aethiopica. Vol. I, Addis Abeba: Addis Abeba University Press, 1987, 46.

¹⁴ Rubenson, Sven. Ibid., 46 document no. 36.

¹⁵ Rubenson, Sven. Ibid., document no. 66.

¹⁶ Rubenson, Sven. (Ed.). (2000). *Internal Rivalries and Foreign Threats 1869-1879*. Acta Aethiopica. Vol. III. Addis Abeba: Addis Abeba University Press, 241, document 168.

¹⁷ Rubenson, Sven. Ibid. 241, document 168.



This is both a coal mines and a land grant offered to a company that was going to be incorporated in France. Keller notes that although Ethiopia historically had different types of land tenure, “the emperor’s fictional control over all land [was] an extremely valued [instrument] of political patronage” that safeguarded his own absolutist position.¹⁸ It is not clear whether King Menelik had stock in the French-Ethiopia Society but the only immediate economic benefit was a ‘road’ to be constructed in Ethiopia. Otherwise, the French-Ethiopian society was a powerful lobbying strategy that consolidated Ethiopia’s standing as a great power among the greatest at this time. Through concessions and grants, Menelik appeared to be the buyer of international reputation. The following year (June 16, 1876)¹⁹, Arnoux was given a political mandate as *envoyé extraordinaire* (extraordinary envoy) to friendly powers in Europe. If the free concession of a coal mine and land did not make sense in the beginning, it becomes clear why Menelik made the move. He wanted a non-state private ally and employed Arnoux with the hope of building a diplomatic front for the defense of Abyssinian interests. As Menelik’s extraordinary envoy, Arnoux was granted the power to defend and protect the territorial integrity and independence of Abyssinia, sign a treaty with Egypt guaranteed by European powers, establish diplomatic and friendly relations with Christian nations of Europe, raise questions about Egyptian aggression, and explain the official position of Abyssinia to European powers.

This strategy evidences the interdependence of trade and politics. More interestingly, it must be noted that the bundling of trade and politics was an African diplomatic initiative. From an Africanist perspective, Menelik could be seen as a visionary theorist and statesman who stretched the concept of freedom and independence. It might come as a surprise that it was Menelik, not Yohannes IV, the great unifier of Ethiopia who made the best use of private contractors. Yohannes mainly relied on direct and “patient diplomacy”²⁰ to reach out to great powers. His administration produced a significant amount of correspondences between Yohannes IV and France, Great Britain, Russia, Egypt. The letters²¹ show that Yohannes clearly wanted to be perceived as equal to other great leaders of powerful nations and this might explain his reliance on formal and direct diplomacy rather than on private brokers. The state of unrest and external aggressions might have made foreign private contractors suspicious to Yohannes IV. In contrast, private contractors helped Menelik undercut the power of Yohannes IV and secure his rise to power.

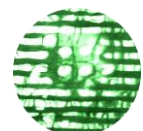
Following the appointment of Arnoux as Abyssinia’s Ambassador to various governments in Europe, he was sent off with the power of attorney

¹⁸ Keller, Edmond. (1988). Op. cit., 51.

¹⁹ Rubenson, Sven. Ed. (2000). Op. cit., 241, document 169.

²⁰ Keller, Edmond. (1988). Op. cit., 28.

²¹ Rubenson, Sven. Ed. (2000). Op. cit., for Yohannes IV’s correspondences with different foreign powers during his reign.



*to sell on the best possible terms the merchandise which [Abyssinia] entrusted to him as samples...proceed to the French government... to conclude political and commercial treaties between France and Ethiopia; to found a large Franco-Ethiopian company...to assist in the development of industry and commerce in Ethiopia...to make purchases on the behalf of the Ethiopian government of arms, ammunitions, various tools, various merchandise, everything according to what has been agreed before his departure, and in accordance with the instructions handed over.*²²

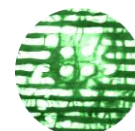
A note from Rubenson, the editor of this historical contract, reads as follows: "that is document was initiated and drafted by Arnoux is quite obvious. Whether they were fully understood or even known to Minelik (*sic*) and his advisers remains an open question."²³ For my analysis, it suffices that "authenticity" not be questioned. Rubenson, however, raises an important question related to the choice of angles of analysis of the decisional processes in contractual relations. It might be tempting to view the initial concession as "land grab," to denounce the appointment of a Frenchman as foreign diplomat as "colonial usurpation" only. I can see the appeal of the argument that economic transactions that are not homegrown could be harmful to domestic interests. But, such paternalist analytic attitudes are costly because they infantilize non-western agency by disqualifying its tenets. Omniscience is neither a measure of sound public policy, nor evidence of the absence of strategic thinking. Indeed accompanying the devolution of power resulting from the decision to hire a private foreign contractor was a carefully designed strategy that sought to consolidate Ethiopia's reputation internationally and to affirm a unitary rule domestically.

An account of the evolution of the relationship between France and Abyssinia, Arnoux and Menelik, shows that contracting out served both the foreign and domestic interests of Ethiopia. Indeed in long-term relational contracts convention is not all that matters. In many cases, competition in long-term relational contracts remains within reach of the expectant and is rarely limited by the transaction cost of the exchanges. The "reverse auction-like" strategy of Ethiopia becomes clearer as one distinguishes and juxtaposes concessions made to Arnoux as payment for his services,²⁴ and privileges given to him as a diplomatic means to attract either more foreign investment in Ethiopia, or win foreign military cooperation against Ethiopia's enemies.

²²Rubenson, Sven. Ibid. 242, Document 170. My emphasis

²³Rubenson, Sven. Ibid. 242, *sic*.

²⁴In return for his good services, Menelik granted Pierre Arnoux a piece of land (about 20x50 kilometers). The new contractual elements were the following: the land grant was made according to French Law; Menelik promised to eject the farmers who are settled on the land -nothing is said about relocation or compensation of the farmers-; Arnoux was entitled to cede or give away the land as well as the stream on the condition that it will all be "utilized for cultivation, irrigation, or establishment of factories"; Arnoux is referred to as "the French merchant". Given at Liche on June 10th, 1876. Rubenson, Sven. Ed. (2000). Op. cit., 243, document 171.



Ethiopia and Italy

Unlike France, Ethiopia's relations with Italy were hostile. As previously mentioned, the second and third peak in the data took place when Ethiopia was under external aggression with the Mahdists and Italy leading the charge. Before the outbreak of the battle of Adwa (1896), however, peaceful commercial deals consolidated Italo-Ethiopian relations. On November 15, 1869, a contract sale of a territory was signed between two brothers Hasan bin Ahmad and Ibrahim bin Ahmad and Guiseppe Sapeto, an Italian Catholic missionary. The two brothers sold the land for six thousand thalers. Giuseppe handed over 250 thalers²⁵ to the sellers with the understanding that the remaining five thousand seven hundred and fifty thalers should be paid within one hundred days from the sale date. A note from Rubenson reads as follows:

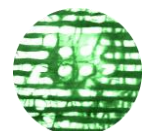
The signatures are followed by the following note: 'The rights deriving from this convention were transferred by the Rubattino society [company] to the Royal Government by the convention of 10 May 1882.' All attempts to locate the original or archival copy have failed. The private purchase of a piece of land by the former Catholic missionary Giuseppe (see ACTA I, no. 30) with no mention of the Rubattino Company, for which he was acting, much less the Italian government, nevertheless became the foundation of the first Italian claims to the colony of Eritrea.²⁶

Whereas Christianity helped further the interests of Ethiopia through contracting with France, it became the bearer of bad news with Italy another Catholic country. The difference in outcome, however, was attributable less to differences in the nature of Christianity than to the transient nature of private ownership and the changing nature of political power in Italy and this period. What started as a private sale to one missionary entrepreneur later gave ownership rights to a company and imperial claims to Italy. On December 30th, 1879 a land sale contract was signed between Burhan Dini, Sultan of Rahita and Ribattino & Co.²⁷ With this concession, one traces the evolution of trade deals between Rubattino & Co. and the political leaders of Abyssinia. The land ceded had been leased for the past ten years to Mr. Guiseppe Sapeto. Now the Sultan was selling the land for two thousand rupees for definitive acquisition. In addition to ownership the Sultan gave rights to the company to "raise the Italian flag there." This was the first time that the "flag" became explicitly part of trade deals in the collection of treaties by Rubenson.

²⁵The Maria Theresa thalers were minted throughout the Austrian Empire in limited numbers and circulated in different parts of Africa during the scramble period (1880-1900). Great Britain and Italy later manipulated the currency and acquired a monopolistic edge on trade and politics on the East African coast. For details see Gervais, Raymond. (1982). "Pre-colonial Currencies: A Note on the Maria Theresa Thaler." *African Economic History*, p.147-152.

²⁶Rubenson, Sven. (Ed.). (2000). Op. cit., p. 27, document 22.

²⁷Rubenson, Sven. (Ed.). (2000). Op. cit., p. 339, document 235.



Procurement deals are never entirely commercial or political; they are both. Of the many causes of the first war between Ethiopia and Italy (1896) nothing illuminates the past as clearly as the trade contract of 1879 with its patriotic zeal coded as flag privileges. The years that followed the 1879 contract involved land disputes²⁸ preceding the battle of Adwa in 1896. Ethiopia experienced major setbacks not primarily because of the military superiority of Italy, but also because of internal weaknesses due to the unfinished business of state centralization. Menelik, then a vassal prince from the south first allied (1883-1887) himself with Italy for the procurement of weapons against the Yohannes, the central authority.²⁹ In 1889, the limits of the Sultanate of Oppiah included in another treaty were later contested by Osmand Mahmond, the Sultan of all the Mijjertayns and Yusuf Ali Jusif, Sultan of Oppia. New boundaries were drawn in May 1889.³⁰ Unlike trade contracts with France, Ethiopia seemed to have lost its ability to define independence and sovereignty in its own terms with Italy. The ceding of a part of its territory in 1889 was not just loss of sovereignty, but also the encroachment of foreign ideas depicting national freedom as emanating from Italian 'protection.' A concession of Eritrea was given to Italy in the same year but the terms of this contract or the treaty of Wuchale later became contested by both parties³¹ and eventually led to war. As Menelik consolidated his power, he later defeated the Italian army in 1896 in the epic Battle of Adwa and secured the territorial integrity of Ethiopia without reclaiming Eritrea.³²

From the perspective of strategic posturing, the battle of Adwa was also a policy success for Ethiopia showing the effective use of foreign non-state actors as military advisers domestically and extraordinary envoys internationally. Menelik II developed a strategic friendship with Russia through Nicolai Leontyev and the St. Petersburg Geographical Society for military support without raising the suspicion of Britain. The House of Commons sitting on February 28, 1895 worried about the Russian mission to Abyssinia and Her Majesty was reassured that the expedition was 'not official but sent by the St. Petersburg Geographical Society for scientific purposes...and...very possibly...charged with some religious mission

²⁸ Millette, A.J. (1973). Op. cit., no. 1, and 3.

²⁹ Keller, Edmond. (1989). Op. cit., 31. Bulatovich, Alexander. *Ethiopia through Russian Eyes: Country in Transition 1896-1898*. Translated by Richard Seltzer. New Jersey: Red Sea Press, 2000, 98.

³⁰ Rubenson, Sven. (Ed.). (2000). Op. cit., 339, document 235, no. 161

³¹ Misunderstandings such as the one that arose from the interpretation of the treaty of Wuchale were quite rare and point the overbearing of aggression and war context on traditional diplomacy. Nevertheless, what is important from my perspective is to note that contestation ex-post of the intent of the treaty was never presented as an outright denial of its existence. A deeper understanding of the context and agents involved in the signing of the treaty helps clarify the origin of the misunderstanding. For this purpose, see Caulk, Ricjard. *"Between the Jaws of Hyenas" A Diplomatic History of Ethiopia (1876-1896)*. Edited by Bahru Zewde. Wiesbaden: Harrassowitz Verlag, 2002. Erlich, Haggai. *Ethiopia and Eritrea During the Scramble for Africa: A Political Biography of Rās Alulā, 1875-1897*. Edited by Harold G. Marcus. East Lansing: Michigan State University African Center, 1982. For a critical analysis of Menelik II relations with Italy as well how the financial demise of the army of occupation complicated the mobilization of white battalions and native troops on the ground see chapter VII in Berkeley, G, F-H. *The Campaign of Adowa and the Rise of Menelik*. Westminster: Archibald Constable, 1902.



from the Russian Ecclesiastical authorities.”³³ Thus under the cover of scientific missions, humanitarian (Russian Red Cross³⁴), and Orthodox Christian expeditions, Ethiopia once again recruited foreign agents as partners in the art of war making and intelligence gathering to secure a victory at Adwa.³⁵ Nicolai Leontyev later became Count Abai and the governor general of one of the provinces of Ethiopia. Accompanying Russia's first official diplomatic mission to emperor Menelik II in 1897 was Armatov, Colonel of the General Staff and Arnoldi, a Lieutenant of the Izmailovskiy Guard Regiment and both men were “on business from the War Ministry.”³⁶ By outsourcing some of the functions of this empire, such as diplomacy to foreign consultants, “Menelik strengthened his defensive capability by purchasing modern arms and military equipment.”³⁷ Thus the procurement of tangible (arms deals) and intangible (lobby, reputation) goods from foreign private suppliers sustained the Ethiopian empire at different stages of its consolidation.

What is remarkable is that public procurement historically transformed the strategic ways and means through which nations invented and consolidated independence and sovereignty. Ethiopia sold and bought goods and services but actively participated in the transformation of meaning and value attributed to historical public-private partnerships. The gain to Ethiopia, in this sense has not been material only, but also symbolic, political and epistemological. The asymmetric power context in which Ethiopia evolved was not entirely defined by exogenous attempts to colonize its territory. Power discrepancies were a result of domestic structures highlighting the struggle between centripetal and centrifugal forces at work in the process of empire building.

Additionally, public procurement restated the power of individuals within society especially within the military. The organization of military hierarchy was divided along four categories: the regular regimens of troop mainly protecting the emperor, the private regular troops under individual leaders, the auxiliary and territorial troops supplied by landowners in times of war, and the irregular troops comprised of any inhabitant who decided to join combat.³⁸ Although central authority remained with the emperor, mobilization for war required both general (public) and private troops. The supply of private troops served other purposes than military hierarchical decorum; it was a tactical necessity because a rare commodity. Private troops were a tactical bargain of individual military leaders who recruited and paid them and “the number of troops of individual leaders [was] not determined

³³Hansard, February 28, 1895 vol. 31 c31 “Mission to Russia”
<http://hansard.millbanksystems.com/commons/1895/feb/28/russian-mission-to-abyssinia>

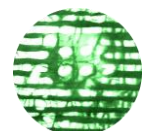
³⁴ Bulatovich, Alexander. (2000). Op. cit., Book II, 173.

³⁵ Although this paper is not concerned with the procurement practices of European powers in Africa per se, it might be useful to highlight the fact that the defeat of Italy could be attributable to a dysfunctional war procurement systems and parliamentarian bickering over budget. See Fitz-Hardinge, George. *The Campaign of Adowa and the Rise of Menelik*. Westminster: Archibald Constable, 1902, Chapter 7.

³⁶ Bulatovich, Alexander. (2000). Op. cit., Book II, 173-174.

³⁷ Keller, Edmond. (1988). Op. cit., 33.

³⁸ Bulatovich, Alexander. (2000). Op. cit., p.101-2.



by law for each separately, but rather depend[ed] on the wealth, the popularity of the leader, and the size of the region that provides the means for maintaining the troops.”³⁹ In contrast, the recruitment of the irregular corps was voluntary at the onset of a war. Hence, for individual leaders, war contracting presented them with the opportunity to enhance the military performance of their units and to compete for the favors of the emperor. Individual firms, lone Catholic entrepreneurs as well as regional princes such as Menelik prior to his assuming the throne of the King of Kings, became power brokers by manipulating contractual opportunities to their advantage.

II. The Southern Region

Two important events brought profound change in the southern region in the nineteenth century: first the creation of the Sultanate at Zanzibar, and second the abolition of the Indian Ocean slave trade. Early contacts between Europeans and the southern East African Coast date back to the Middle Age with Vasco da Gama's voyages around the Cape of Good Hope. Constant wars between the Portuguese and Muslims in North Africa also led the Knights Templars to this region in search for Christian converts and potential allies against the Arabs. The Portuguese search for potential partners from the East Coast region put the Africans in a strategic position that shaped trade and politics for many centuries. There is a vast literature on the Europeans and Arab strategic games on the East African Coast. However, in keeping with the goal of this paper, I am interested in understanding how contracts became key instruments of trade and politics from the perspective of the Africans.

Because of the eclectic cultural nature of this African region, when I use the term “African” it is meant to include political groupings in the hinterlands (mostly blacks) and Arabs settlers (mostly along the coast). Thus the term “African” denotes a people belonging to the coast (Swahili) and to the interior. The European is treated as the sole foreigner⁴⁰ given the fact that Islam already made inroads into this region well before the arrival of Portuguese missionaries.⁴¹

³⁹ Bulatovich, Alexander. *Ibid.*, 102.

⁴⁰ China's sea power reached the East African Coast in the fifteenth century before the arrival of the Europeans. Historians have traced early gifts from the king of Mombasa (modern Kenya) to the Chinese emperor at this time but contacts with China were bound to be superseded by East African trade with the European because of China's isolationist policies that followed after initial contacts. See Lodewijk Duyvendak, JJ. *China's Discovery of Africa: Lectures Given at the University of London on January 22 and 23 1947*. A. Probsthain's Oriental Series, 1949; and Levathes, Louise. *When China Rules the Seas: The Treasure Fleet of the Dragon Throne, 1404-1433*. Oxford: Oxford University Press, 1997.

⁴¹ Coptic Christianity in Ethiopia has a longer history in this region. In fact some of the early missionaries were interested to the East Coast in part because they were in search for Prester John, a legendary “Christian King of Ethiopia, of whom the peoples of Europe had heard so much, and from whom they expected so much aid in their struggle against the Moors” in Gray, John. *Early Portuguese Missionaries in East Africa*. St. Martin: Macmillan, 1958, 2. Nevertheless, when I refer to Christianity in this paper, I am mainly referring to Christianity brought to the coast by Europeans.



Although Islam had unified a number of ethnic groups under its umbrella in the northern part of the southern coast, tensions and rivalries remained between local politically autonomous communities, and between the North and the South coast. These internal conflicts took a different turn with the arrival of the Portuguese whom the Africans sometimes used to settle their own disputes. The North-South divide became more accentuated as the competitive pendulum kept swinging between parties that did not hesitate to use self-interested rationale or religious-sanctioned tactics to gain an advantage over rivals. For the purpose of this study, I confine myself to internal and external factors that shaped contractual. Religion is mentioned only in relation to its underlying political and economic roles in constructing or deconstructing strategic alliances between parties.

Here I retain two important factors that contributed to making bargaining on the East Coast of Africa unequal yet strategic, namely, the nature of *overland* (hinterland-coast) *political economy* and *climate fluctuation*. How agents evaluated the benefit and cost of a cooperative approach to overland and seaborne opportunities for trade diversification against those of unilateral trade monopolies is what the study of their contractual decisions seeks to reveal.

History has it that when Vasco da Gama reached the African East Coast, he received “a friendly reception at Malindi [because] the ruler of that place was usually at war with his more powerful neighbor at Mombasa and accordingly welcomed the Portuguese as a possible ally.”⁴² Through their strategic partner, the King of Malindi, the Portuguese later obtained a lease of the island of Mombasa, -- which the African ruler had previously captured-- and turned it into a center for proselytization.⁴³ Mombasa therefore passed to the Portuguese and became their administrative capital.

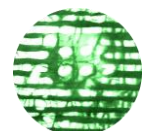
The Coast-hinterland relations were a determining factor in designing the strategic contour in the procurement of goods and services. The autonomy of towns in East Africa is particularly revealing about their strategic vulnerability. As Nicholls notes, “coastal settlements had no territorial backing...since all places offered much the same commodities for sale, each would compete with its neighbours in trying to entice interior peoples and maritime traders to its own markets.”⁴⁴ Thus the hinterland and its people became strategic players with potential symbolic and economic power especially with the entry of Portuguese in the race for trade monopoly.

On the one hand, the Portuguese were in search for Prester John, a mythical Christian King of Abyssinia (Ethiopia), with whom they hoped to defeat Arabs in Africa. Thus the search for an overland route to Ethiopia became a spiritual and national obsession for the

⁴² Gray, John. Ibid., 3.

⁴³ Gray, John. Ibid., chapter 4.

⁴⁴ Nicholls, C.S. *The Swahili Coast: Politics, Diplomacy and Trade on the East African Littoral, 1798-1856*. New York: Africana Publishing Corporation, 1971, 23.



Portuguese equally relying on the collaboration of hinterland political groups. Beyond the realm of spiritual imaginary, the hinterland had significant economic power as a supply of raw materials such as gold, ivory, and slaves. It is therefore not surprising that when Vasco da Gama learned that “gold mines existed in the interior, he also discovered that the trade in gold was more or less a monopoly of the inhabitants of Kilwa.”⁴⁵

The discovery of a gold monopoly in the interior prompted Portugal to change the initial strategy of peaceful contacts into a forceful capture of the southern gold producer town of Sofala (located in modern Zimbabwe) leading to the construction of a fort to assert monopoly over the Southern African gold trade and the control of trade with the independent Queens of Zanzibar off the Coast. As it will be shown later, although Portuguese activities were short-lived, Portugal's contractual activities were mainly concentrated in the South Africa-Mozambique-Zanzibar-Madagascar belt.

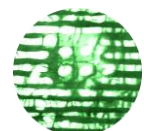
In response to this attempt to capture and replace indigenous natural monopoly with a foreign ‘managed’ monopoly in gold trade, Africans allied themselves with pirates in northern Africa to thwart Portuguese plans on the East Coast. Thus the vertical (North-South) configuration of the strategic context revealed a struggle between competing monopolistic claims between the Cross and the Crescent. The initial gains secured by early Portuguese traders and missionaries were subsequently challenged as many towns rebelled against foreign monopoly over trade. The Swahili sometimes invoked “Jihad” against infidels and eventually turned to Oman for support. In 1698 Mombasa fell to the Omanis who later established an independent Sultanate in Zanzibar in 1729⁴⁶ (adding to the list of groups coded Africans in this study).

With the entry of the Omanis in the picture, the politics and economics of contracting became interplay between three types of players separated by land and by sea yet needing the produce from both sources: the landlocked, the coastal, and the Indian Ocean merchants in the race toward monopoly over trade. The Omani Sultanate at Zanzibar retained control over maritime trade and secured the cooperation of Sultans of the mainland by contracting trade revenues. In the fragmented South at Kilwa, the Omanis “had made an agreement with the Sultan that he should retain his title and one-fifth of the customs dues.”⁴⁷ In the North, they asserted monopoly over trade from and to Mombasa, but they did so without disturbing trade relations with the hinterland and without alienating the middlemen upon whom commerce with the coastal towns depended. Hence the Sultanate at Zanzibar successfully established a network of exchanges cooperation with the mainland (North and South) and the hinterland

⁴⁵ Gray, John. (1958). Op. cit., 5.

⁴⁶ Middleton, John. *African Merchants of the Indian Ocean: Swahili of the East African Coast*. Long Grove: Waveland, 2004, 35-6. The date varies from different sources. The Sultanate, however, became consolidated only after the defeat of the Portuguese in Mombasa in 1832. The actual transfer of the independent Omani Sultanate from Muscat to Zanzibar took place around 1861 see Seaton, EE and S.T. Maliti. *Tanzania Treaty Practice*. London: Oxford University Press, 1973, 5.

⁴⁷ Nicholls, C.S. (1971). Op. cit., 33.



that added to the advantage of its strategic location as the guardian of maritime trade. Subsequent arrivals and departures of different European powers restructured the balance of power between the hinterland, the coastal towns and Zanzibar but did not totally control the dynamic of change. Thus, the contractual activities in this regions were two types: (a) the contracts of Zanzibar in the process of establishing itself as a major power in the southern region; (b) contracts concluded between Africans and other regional players in their attempts to unseat Zanzibar's authority. Peripheral but equally important were the contractual transactions of Madagascar and Mauritius as rivals and partners with Zanzibar in the slave trade and plantation economy.

One unifying factor besides actual goods and services justifying iterated bargaining in the region was the climate cycle of the monsoon winds. One could imagine the monsoon winds as regulators of overall trade⁴⁸ constraining choice and the durability of choice in this context. The wind that may have carried out trade rivals from April to August from the East African Coast to the Persian Gulf and to Asia was the same wind that brought back new competitors to the same coast from November to March. To illustrate,

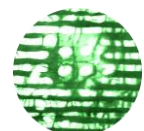
Mombasa's defensive position was strengthened by the difficulties of mounting a blockage. Blockade tactics, assisted, it is true, by the narrowness of the harbour's entrance, were greatly hindered by the monsoon winds. Vessels could only maintain a blockade for the duration of one monsoon or forfeit their freedom to return to their home port.⁴⁹

Because the monsoon cycles determined the trade cycles, climate had a strategic implication. That is, unilateral solutions and one-way exit or entry strategies were not as useful as some parties might have wished because the monsoon winds simultaneously empowered and disempowered different trading agents with its cycles. The only exception to the whims of the wind was Zanzibar itself because the monsoon did not affect its trade with the mainland, a strategic advantage that facilitated the transformation of the island into an export-import monopolistic port.

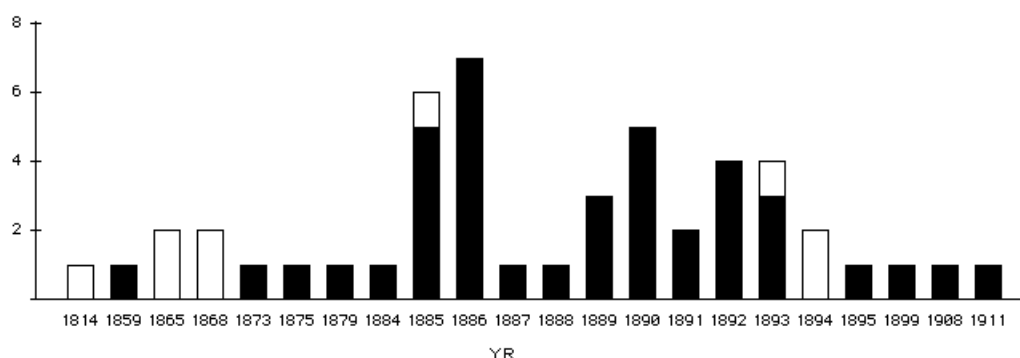
I now turn to the analysis of the contractual patterns of specific political agents over time. Again, modern names used here are approximations of historical places where events under study took place.

⁴⁸ See a very interesting analysis of the effects of the monsoon on the economies and local strategies of the Gulf of Persia port cities in Floor, Willem M. *The Persian Gulf: A Political and Economic History of Five Port Cities 1500-1730*. Washington DC: Mage, 2006.

⁴⁹ Nicholls, C.S. (1971). Op. cit., 46.



[Figure 2] Zanzibar contractual activities by year (1859-1911)⁵⁰



Based upon the volume of contracts and the durability of contracting activities, Zanzibar appears as a major power in trade relations. The concentration of Zanzibar's contractual activities peaked around the years 1884 and 1885 followed by a steadily decline only after 1895. This pattern suggests: (a) the influential role of the Indian Ocean slave trade in the making Zanzibar, (b) the position of the island as a full-fledged negotiator that colonial powers had to grapple with during the territorial scramble for Africa in late nineteenth century.

Intangibles: the rise of anti-slavery discourse and policy

Data collected show Zanzibar contractual transaction starting in the mid-nineteenth century when abolitionist discourse and policy were in full swing. Before the emergence of abolitionist discourse and policy, the most strategic concerns of different Arab families on the East African coast were the consolidation and preservation of their independence from Oman. Politics before early nineteenth century was therefore dominated by internal feuds between the houses of Mazrui, the pro-independence faction, and the Busaidi, in favor for continuing allegiance to Oman. After establishing themselves at Zanzibar in late eighteenth century, the authority of the Mazrui in Zanzibar continued to be challenged from Oman and from the mainland. The loss of Pemba, Zanzibar's main food supply led to a search for strategic alliances to prevent the island from falling back under the authority of Oman. With the demise of the Portuguese in the region, a strategy was devised to *contract out independence* with Britain stationed at Bombay in India. A letter by Abdulla bin Ahmed sent to Bombay explained that "he was the ruler of an independent state which Said bin Sultan of Oman wished to annex"⁵¹ and declared that he would rather give the said independent state to England. This request was rejected given the close ties that bound Britain and Oman. Notwithstanding this complication, the Mazrui amended their offer by giving "half of [their] revenues"⁵² to Britain in exchange of an officer stationed on the coast. The British never formally accepted the offer but changes in discourse over trade practice and policy made their

⁵⁰ Y= number of contractual agreements X= Year.

⁵¹ Gray, John. (1957). *The British in Mombasa 1824-1826 Being the History of Captain Owen's Protectorate*. London: Macmillan, 21.

⁵² Gray, John. Ibid., 21.



presence in the region necessary. Instead of working with critics stationed at Mombasa, Bombay made the choice to cooperate with Sultan Seyyid Said in Oman who regained control of the East African coast in early nineteenth century after turning local protests against the Mazrui family to his advantage.

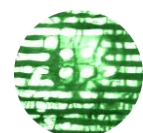
In 1807 the British adopted the Slave Trade Act, which outlawed slave trade in all territories and dominions. Previous attempts to curb the slave trade yielded imperfect results in East Africa the reason being that the Sultan of Oman derived substantial revenues from taxes levied on slave ships from Zanzibar. French merchants at Mauritius and Bourbon islands had independently secured slave trade concessions with Zanzibar and Kilwa in 1776, 1785, and 1819⁵³ and were competing with Portuguese and Spanish merchants on the coast. To win the collaboration of Oman, the British strategically likened the slave trade to piracy, which they previously fought alongside Seyyid. The reinvention of an anti-piracy discourse in the forms of a fight against slavery offered the discursive incentive to the Sultan of Oman to agree to a treaty with Moresby in 1822. Given the economic return of the slave trade from Zanzibar to the Omani treasury, this political discourse proved strategically significant because the treaty had effect in Zanzibar where the Omani had previously migrated. Thus,

1840s is a climacteric in the history of the East African coastline, since it saw the setting up in Zanzibar of a court whose ruler had foreign diplomatic connections –the first in tropical Africa—with France, with Britain, and with the United States. From the United States, he accepted a consul in Zanzibar in 1836, and from Britain a consul, Atkins Hamerton, in 1840. This so far as the British were concerned, was mainly to confirm and support the Moresby Treaty of 1822, by which Said had agreed to make illegal throughout his dominions the sale of slaves to the subjects of Christian powers, and to confirm trading conditions already existing. For the Americans it was a similar confirmation. These changes brought Europe and the United States into permanent formal contact with Zanzibar.⁵⁴

The Omani edict of 1850, when the contractual history of Zanzibar starts in my sample, forbade slave trading to Indians merchants on the East African coast leading to, on the one hand, the consolidation of Zanzibar authority in the sub-region, and on the other hand,

⁵³ Nicholls, C.S. (1971). Op. cit., 198, 131-6.

⁵⁴ Her Majesty's Stationary Office. *Zanzibar: Exchange of letters between His Highness the Sultan of Zanzibar and the British Resident terminating the 1890 Agreement as respects the Dominions of the Sultan not Comprised in the Kenya Protectorate*. Presented to Parliament by the Secretary of State for the Colonies by Command of Her Majesty. December 1963. Although a minor player with Zanzibar, Italy added his name to the cohort of consular representation in 1885, secured a concession contract of the Benadir Ports on August 12, 1892, which the duration was set to three years after additional negotiations in 1893 see Herslet, Edward. *Map of Africa by Treaty*. Vol. II, Charleston: Bibliobazaar, 1894, nos. 201,203 & 204.



increase in slave capture for local plantation industry.⁵⁵ But Sultan Seyyid Said's double-dealings with the slave trade and pirates quickly led some colonial administrators to reconsider the Mazrui offer as well as new partnerships with other groups in the hinterland.

Beside Britain and France, Germany played a key role in expanding the contractual affairs of the East Coast. The date of the first contract recorded in my sample is 1859, year of the treaty on Trade, friendship and navigation between the Hanseatic League and Zanzibar. In it, "the Hanseatic cities [Hamburg, Bremen and Lubeck] of Germany asked the Sultan to provide a legal framework for the ever increasing trade...Modeled after the respective treaties which Zanzibar had concluded with the United States, England and France...In 1860 Johann Witt, representative of the firm of William O'Swald, was nominated the first German Consul in Zanzibar."⁵⁶ Henrich Ruete, a German merchant, even won the heart of Sayyida Salme,⁵⁷ the Sultan's sister and gave Germany a prominent role on the East African Coast.

Like their predecessors, Germans merchants traded with the island of Zanzibar and bought territorial concessions from disgruntled vassals from the mainland. By 1885, a mixture of trade contracts, gunboat diplomacy and strategic alliances with Britain put Zanzibar under the control of Germany. German companies' ascendance, however, cannot be dissociated from the economic gains and territorial footholds they received from dissatisfied mainland Sultans. Similarly, on the British side, the proclamation of a British Protectorate over Mombasa, Malindi, and Pangani (1824-6) is a tale of Captain Owen's attempt to suppress the slave trade as well as a result of the local chiefs and Mazrui bid for power and ascendancy against Oman.

While once notes, that the contractual language and subsequent interpretations of the historical documents often focused on the citizenship of the parties, but it is important to remember that prior to 1885, "diplomacy" was conducted by private European companies in Africa with non-state actors on the continent. Thus the language of "treaties" is somewhat misleading because it seems to overemphasize the role of the "public agent," or the state, while simultaneously ignoring the "private" dimensions of early trade deals in Africa. Nevertheless, the distinction and intertwining of the public/private forces is important to note especially when analyzing the decisional motivations of African agents in this context. Here, strategy and choice may appear to be confounded but they remain distinct. Africans bargaining opportunities and *choice* of contracting partners became more restricted in late nineteenth-century, thanks to the outright scramble of the continent. Nevertheless, the use of contracts as instruments of cooperation and non-cooperation points to something else: a

⁵⁵ Nicholls, C.S. (1971). Op. cit., 211-5.

⁵⁶ Schneppen, Heinz. (1998). *Zanzibar and the Germans: A Special Relationship 1844-1966*. National Museums of Tanzania. Occasional Paper, no. 10, 1.

⁵⁷ For a brief history of Germany, Islam, and Christianity in Zanzibar see Schneppen, Heinz. (1999). *Sayyida Salme/Emilie Ruete: Between Zanzibar and Germany, Between Islam and Christianity*. National Museums of Tanzania. Occasional Paper, no. 12.



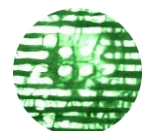
progressive attempt to harness the winds of discontent. To use fashion imagery, the external-internal agential aspect of Africa's contractual history allows one to identify the local threads of objection, rebellion, anger, dissatisfaction in the quilt of "colonial possessions;" a search for new modes of freedom, and a fight against monopolistic forces in societies. These are the politically significant intangibles worth noticing as they narrow the interval between the "colonial" history and contemporary challenges to public procurement practices reform in Africa.

To illustrate, political contracts between coastal dwellers and the hinterland with Britain and Germany pulled in and pushed away power from Zanzibar simultaneously. In the year leading to the conference of Berlin in 1885, British negotiators secured treaties with the chiefs Chagga and Taveta in the presence of Sir J.W. Matthews, in which they recognized their loyalty to the Sultan of Zanzibar." Conversely, German treaties signed with many chiefs from the mainland and hinterland tended to disavow Zanzibar's supremacy.

On November 26 1884, a declaration and agreement was signed at Msevero by the 'Governor,' Salim bin Hamed, and Dr. Peters. The agreement stated that the Governor, who for four years had been First Plenipotentiary of the Sultan of Zanzibar in Nguru, had declared that the Sultan did not possess suzerainty or protectorate on the mainland East Africa, and specifically not in Nguru or Usagara... On 2 December 1884, the Sultana Mbumi, Lady of the Province of Mukondokwa (or Mkondogwa) in Usagara, who declared that she was not and never had been dependent in any way on the Sultan of Zanzibar, signed a treaty with Dr. Peters, in which she declared that she, with the consent of the people, made over to him as the representative of the Society for German Colonization, her whole territory, with all civil and public rights, for all time and without any condition.⁵⁸

Analyzed from the perspective of European possessions, these historical dealings have mainly been seen as colonial. Nineteenth century swapping of trade and political status between public and private agents ended with the consolidation of a colonial regime. Nevertheless, when one examines the motivational processes and tactical choices from an Africanist perspective it becomes probable that theory, not the action of the parties, might be at fault here. Scholars have not seen the pedagogical, value-laden relevance of the seemingly subpar African choice in colonial encounters because rational choice assumptions confound strategy with choice and sovereignty with independence.

⁵⁸ Seaton, EE and S.T. Maliti. (1973). Op. cit.,7-8. The authors provide a thorough list of treaties on page 9.



Reflection

It made sense to African to bargain *sovereignty* as *independence* seemed to matter more in a pre-modern state context. Looking back these controversial historical choices force one to query about the meaning of independence without sovereignty and vice versa. Looking forward, one might ask whether given the contingencies of modern state and governments, what sorts of “independences” become toxic and what are those worth keeping when government contracts out goods and/or services to mostly foreign firms today? If one thinks the behavior of Africans were “irrational” existing concerns about government outsourcing suggests the contrary.⁵⁹ While some caution against the rise of a new corporate imperialism,⁶⁰ other see opportunities for new forms of partnerships between central and local governments for the provision of public goods,⁶¹ and none is satisfied with either purely public or private law regulatory mechanisms,⁶² or an exclusive economic approach to reform.⁶³ Thus, the reward of revisiting the past from an Africanist perspective is humbling in the sense that it reveals how contemporary governance problems remain unanswered questions of the past. More importantly, the theoretical overture here suggests that such a mode of inquiry into global governance should not be bound to a particular genealogy.

So, where do all of this lead us? Possibly to rethinking the function of intangibles in matters of contractual relationships for development. Intangibles matter in contractual relationships because they create equilibrating dynamics imperfectly captured in rational strategic choice models. Economics or law alone does not explain why political entities contract out services; rational choice would not make sense of the historical actions of the contracting dynamics on the East coast of Africa. As demonstrated, the climate conditioned the trade environment as a *repeated game of interactions* thereby restricting simple and unilateral moves. Although predictable, the repeated cycles of the monsoon winds made strategy unstable. That is, strategic behavior was a combination of party's ability to spot particular favorable trade/political configurations, not a unique optimal solution.

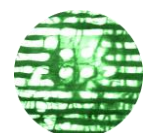
⁵⁹ Government contract makes scholars and policy-makers worry about the future of foreign policy (Stanger, Allison. *One Nation under Contract: The Outsourcing of American Power and the Future of Foreign Policy*. New Haven: Yale University Press, 2009), democracy (Freeman, Jody and Martha Minow. eds. *Government by Contract: Outsourcing and American Democracy*. Cambridge: Harvard University Press, 2009), civil liberties (Blakely, Curtis. *America's Prisons: The Movement Toward Profit and Privatization*. Florida: BrownWalker Press, 2005) domestic security and public spending (Cedilot, Andre and Andre Noel. *Mafia Inc. Grandeur et Misère du Clan Sicilien au Québec*. Quebec: Les Editions de L'Homme, 2010), international peace and cooperation.

⁶⁰ Scheidernman, David. *Constitutionalizing Economic Globalization: Investment Rules and Democracy's Premise*. Cambridge: Cambridge University Press, 2008. Gourevitch, Peter and James Shinn. *Political Power & Corporate Control: The New Global Politic of Corporate Governance*. Princeton: Princeton University Press, 2005.

⁶¹ Minow, Martha. *Partners, Not Rivals: Privatization and the Public Good*. Boston: Beacon Press, 2002. Mary-Scott N, Mary. *Collaboration Nation. How Public-Private Ventures are Revolutionizing the Business of Government*. Pennsylvania: Platform Press, 2012.

⁶² Goldstein, Judith et al. eds. (2001). *Legalization and World Politics*. Cambridge: the MIT press.

⁶³ McCrudden, Christopher. (2007) *Buying Social Justice: Equality, Government Procurement & Legal Change*. Oxford: Oxford University.



Intangibles matter because they increase the scope of what matters. Put differently, they *are* the things bargained for as well as the pre-requisites for bargaining. Intangibles in this sense historically might explain why given political discontent and fragmentation, some societies do not collapse. Hence sovereignty and independence appear at times as *choice* and at other times as *strategy* with delayed choice. We are accustomed to thinking of sovereignty as a choice, thanks to Hobbes. Data, however, suggest another possibility: sovereignty as a strategy.

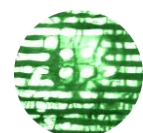
Findings about the use of the concept and practices of sovereignty in the northern part of East Africa could be interpreted as countering and critiquing emerging visions of an international order organized around the notion of sovereignty “as an outcome of ongoing interactions between states⁶⁴” only. When non-Western people bargained with Western non-state actors prior to 1885 in Africa, they incorporated and transformed angles and possibilities for critical engagements with the emerging state-centered monopoly over political coercion and the provision of public goods. As Thomson argues, the transition from a heterogeneous management of violence to state monopolization of (domestic and extraterritorial) order did not displace old strategic bargaining practices. Confronted with social resistance of powerful groups against monopolization of political and coercive power, rulers often “struck bargains with various societal groups...These *bargains constitute[d] subplots in the central drama* which the state achieved ultimate authority, especially on the use of coercion, within its territory.”⁶⁵ Charles Tilly’s empirical study of the evolution of the European states equally shows that “everywhere...the nation’s creation of military might involved its agents in bargaining with powerholders and with groups of ordinary people.”⁶⁶ To the extent that Ethiopia’s strategic procurement and political discourse differentiated *independence* from *sovereignty* the case is a departure from widely spread amalgamations persistent in international relations theory⁶⁷ today. Furthermore, by combining formal diplomacy and the bargaining with private contractors, the country’s strategic procurement could be seen as stretching the territorial dimensions and political location of “subplots” against the international normative sovereign order of the time.

⁶⁴ Thomson, Janice E. *Mercenaries, Pirates, and Sovereigns*. Princeton: Princeton University Press, 1994, 5.

⁶⁵ Thomson, Janice E. *Ibid.*, 4. My emphasis.

⁶⁶ Tilly, Charles. *Coercion, Capital, and European States AD 990-1992*. Cambridge: Blackwell, 1992, 100.

⁶⁷ A number of scholars have raised concerns about the fitness of international relations theory and social science models in the developing world. Newman, Stephanie G. Editor. *International Relations and the Third World*. New York: St. Martin’s Press, 1998. Connell, Raewyn. *Southern Theory: Social Science and the Global Dynamics of Knowledge*. London: Polity, 2007. Comaroff, Jean and John Comaroff. *Theory from the South: Or How Euro-America is Evolving Toward Africa*. Boulder: Paradigm Publishers, 2011. Cornelissen, Scarlett, Fantu Cheru, and Timothy M. Shaw. Editors. *African and International Relations in the 21st Century*. New York: Palgrave Macmillan, 2011. Dunn, C. Kevin and Timothy Shaw. Editors. *Africa’s Challenge to International Relations Theory*. New York: Palgrave Macmillan, 2001.





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