Problematising Dr Stewart's 'Competition Regimes in the Caribbean Community and Sub-Saharan Africa' - Thinking not only Race but also Class

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Introduction

What comes out clearly in many parts of Dr Taimoon Stewart's recent work '*Competition Regimes in the Caribbean Community and Sub-Saharan Africa: A Comparison*' (published in the inaugural volume of the African Journal of International Economic Law) is that colonial history was premised on racial exclusion. As far as the competition regimes in the Caribbean and Sub-Saharan Africa are concerned, current high levels of dysfunctional markets in these two regions can be traceable 'to market structures created by colonial policies

which enabled the capture of wealth and power by the privileged colonisers and reinforced through racial discrimination and segregation'[1].

With the exclusion of the colonised from the capture of wealth and power, Stewart asserts that the economies and societies of Sub-Saharan Africa gave rise to export-oriented industries of mineral and agricultural products benefiting the metropoles. She adds that this is the colonial legacy that was sustained post-independence, both in Sub-Saharan Africa and the Caribbean. At independence, 'local elites replaced the colonial administrators, patterned their rule by the colonial example (see e.g., State-owned companies), and favoured foreign elites and capitalists (Multinational Corporations) rather than seeking the interests of the local population'. From a critical race theory perspective, a critique may conclude that the inherent racism in the competition regimes in both regions during the colonial period only took a different form after independence: it kept favouring the whites to the exclusion of the 'others.'

We admit that, by focusing on the exclusion of the vast majority of the population on the basis of race from the colonial period and by analysing how this subsequently played out after independence, Stewart has a point. However, this point is too general. This is particularly so because the nature of power in colonial states in Sub-Saharan Africa, and later in the Caribbean, was 'indirect rule'. Indirect rule assumed the existence of some intermediaries, usually native/local leaders, who could then help sustain the colonial enterprise. These leaders were incorporated into the colonial administrative structure.

In this blog, we convey how this incorporation manifested itself. We first invoke the works of Mahmood Mamdani to paint a Mamdanian framework within which to understand the nature and historical continuities underlining colonial power in sub-Saharan Africa and the Caribbean. This will allow us to suggest the 'race' and 'class' angles to competition issues in both regions. To focus the discussion, we then take Guyana as a case study to demonstrate how other than a 'race' angle to competition issues in the Caribbean, there is also a 'class' angle.

Mamdanian framework

Indirect rule assumes the existence of some intermediaries, usually traditional leaders, who can then enforce coercion on behalf of the colonisers. Under direct

rule, the colonial bureaucrats ‘maintain and administer monopoly of law, policy and administration to the local population without relying on any intermediaries.’

Sub-Saharan Africa and the Caribbean represent two polar opposites. Direct rule was applied in the Caribbean while indirect rule in Sub-Saharan Africa. From the year 1502 and for 132 years, there was Spanish monopoly in most of the Caribbean by way of direct rule, and many a times some of the Caribbean chiefdoms could retaliate. Because of scarcity of workers, from the year 1518, reliance on the slave labour started in the Caribbean and remained the trend even when the Dutch, French and British took over from the Spaniards. The slaves were distributed in different plantations so as to separate tribes and even families. As Stewart notes, they were also denied their traditions such that practising their traditional cultures was reduced to a matter of secrecy. Direct rule proved to be very unstable because it was not sanctioned by the tradition and governance structures of the colonised.

Because of the dangers that direct rule posed to the colonial enterprise elsewhere, including in the Caribbean, the Europeans rethought thier mind and methods of colonising other peoples. In Africa, Europeans opted mostly for indirect rule, which they first implemented, though not completely, in India towards the end of the 19th century. Indirect rule was the best answer to the ‘native question’: ‘How can a tiny and foreign minority rule over an indigenous majority?’ The solution was to have a civil society for settlers, the colonisers; and to tribalise, hence divide, the indigenous majority, the subjects. The colonisers lived in fertile lands and greener pastures in the civil society, where the rule of law prevailed even in the absence of elections. The subjects were forced into reserves, which were defined ethnically. Almost all tribes had an imposed indigenous leadership, led by a local chief. The imposed chief was appointed or supported by the colonisers to reinforce their agenda of extra-economic coercion. With no regard to the rule of law, they vested in the chief legislative, judicial, and executive authority over their tribe. The fact that their tribe’s resources were held in common allowed them to expropriate such resources through an administratively driven customary law. Colonial states in Africa were therefore ethnic federations. The natives saw themselves being governed by their own chiefs, in the name of their own custom, in their own homeland. It was decentralised despotism. But it all looked legitimate!

There were other complexities in the civil society. There, the rule was direct rule and there was proper rule of law, with a proper demarcation between the Executive, the Legislature and the Judiciary. But if the tribes were defined ethically, the civil society was defined racially. It had a hierarchy of races; namely, master races and subject races, each consuming some different forms of petty privilege economically and some preferential treatment legally. The master races were of course the European whites. The subject races were the 'Indians in East, Central and Southern Africa, the Arabs of Zanzibar, the Tutsi of Rwanda and Burundi, and the Coloured of Southern Africa. It is worth noting that even the subject races existed in a hierarchy in some places – with for instance the coloured at the top, followed by the Asians, then the Arabs, and finally the Tutsi.

This hierarchy of races must have ramifications on competition law and policy then and today. Are there similar trends in the Caribbean? How did and does competition law and policy interact with that? How did it interact with those children born from salves and slave masters? Further, at independence in Africa, great success was made in deracialising the civil society. It was no longer the preserve of the settlers. However, the antidote to the decentralised despotism that defined the nature of colonial power became centralised despotism ('dictatorships'). This is because it is the unreformed native authority that came to contaminate the civil society. As such, the more the civil society was deracialized, the more it took a tribal form, consolidating power in one man/tribe/clique/class. The failure to democratise the civil society is obvious in competition law today in various African countries, with some classes 'unfairly competing, from historical standpoint'.

'Class' angle to competition issues in the Caribbean: The case of Guyana

Tracing the evolution of the works one scholar, Alex Dupuy objectively examines Walter Rodney's views on the relationship between class and race in Guyana, and makes an interesting discovery. Rodney's initial argument had been that the main cause of social rift in Guyana had been racial segregation between the white minority rulers and the black majority subjects. However, he changed this position to a new one, that in fact the main source of this cleavage was a class segregation, which accommodated racial dissections and

incongruities.

This change in position is said to have been informed by two main factors. One, Rodney's tenure is post-colonial Tanzania where he taught in the University of Dar Es Salaam, initially between 1966 and 1968. Two, he had witnessed the petite bourgeoisie consolidate their power both in post-colonial Africa and the Caribbean for their own interests at the expense of the working class. In Guyana specifically, the tyranny of Forbes Burnham since taking power in 1966 was clearly based on a class segregation and not a racial one. In fact, Rodney concluded that since the ousting of the erstwhile dominant class, the planters, the new dominant class, the petite bourgeoisie having nationalised former foreign owned and controlled sectors in Guyana's economy, they proved not mere conduits for foreign interests. Instead, they had become preservers of their own interests, interest which were informed by their privileged societal status they assumed post-1966 and not informed by their skin colour. Therefore, while initially in the pre-independence era, the export-oriented economy of minerals and agriculture benefited the metropoles[2]; post-independence, the benefit did not primarily or solely go to the metropoles, but remained in the country, and not for the gain of the general populace, but the minority elite. The bourgeoisie consolidation of political power proved detrimental to the working class in many sectors, and continues to do so even in the competition regime in Guyana today.

This blog draws from historical records to illustrate that the British (and also United States of America) directly took part in the installation of the indigenous petite bourgeoise in power, before 1966 when the country gained independence. This therefore, discounts the claim of a purely racial approach in the British reign in British Guiana, by tabling evidence of a class approach to segregation during that period. After World War II, the British enacted the 1953 Constitution in British Guiana which established a ministerial government to be run by local Guyanese, in what was an effort to prepare the country for self-rule. Elections held the same year saw Cheddi Jagan's People's Progressive Party (PPP) scoop majority in parliament and him occupying position of Chief Minister. However, PPP's refusal to collaborate with and toe the line of the British ultimately led to the Constitution's suspension and PPP's forceful removal from power, in favour of the Forbes Burnham-led petite bourgeoise People's National Congress (PNC).

This removal of a democratically elected government was a stark contradiction of the British portrayal of themselves as pro-democracy. In the 1964 general election, the British and USA forged a concerted effort through electoral malpractice and sophisticating the election process to ensure the minority-supported PNC won at the expense of the majority-supported PPP. This illustration supports the claim that the British segregation before independence had very apparent class characteristics and was not purely racial in nature. The British went to great lengths to secure the rule of the petite bourgeoise in British Guiana and to suppress the rule of the working-class party, PPP. Rodney agreed with Franz Fanon that this was a classic case of a parliamentary game fabricated from the very onset, and more than anything else, concerned with legislating against the people rather than regulating for social change. Therefore, the entrenchment of the African middle class in the top echelons of power in British Guiana before independence, allowed them a leeway to solidify their foothold in controlling the country's economic resources to their advantage.

For instance, writing in 2003, John Gafar diagnosed the problems in Guyana, among them competition. He championed for the need to improve the rule of law; an open, independent competitive and merit-based civil society and judiciary; and free markets. He argued that if trade was liberalised and opened, then this would force competition and in turn lead to quality improvement and innovation in Guyana. Key to note is that at the turn of the century, the Guyanese Judiciary was the recipient of many complaints of deeply rooted corruption and inefficiency, and control by the political class to suppress opposition. One of the main reasons for the rampant ethnic clashes in Guyana was that the Afro-Guyanese, who were the ethnic majority, at times made use of State power to disadvantage the minority, the Indo-Guyanese, when it came to economic competition.

The current infancy of the Guyana competition regime translates also to infancy in litigation on unfair competition practices[3]. While the regime in Guyana is in force and still developing, it is worth noting that its economy, much like in the other Caribbean Community (CARICOM) Member States still has high concentration levels, with capital concentrated in members of the society that have been historically advantaged[4]. More so, while the Competition Commission in CARICOM including Guyana are legally established as

independent, Eleanor Fox and Mor Bakhoum observe that upon closer examination, the link between them and the ruling class would be apparent.

Conclusion

Using the Mamdanian framework and taking Guyana as a case study, there is a point in concluding that - to grasp the complexity of the competition regimes both in sub-Saharan Africa and the Caribbean - we should not only be thinking 'race' but also 'class.' In fact, based on the demonstration by this blog, an argument can be made that it was more 'class' than 'race'.

References

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[1] Stewart T, 'Competition Regimes in the Caribbean Community and Sub-Saharan Africa: A Comparison' 35, 86, 89, 110 and 118.

[2] Stewart T, 'Competition Regimes in the Caribbean Community and Sub-Saharan Africa', 87.

[3] Stewart T, 'Competition Regimes in the Caribbean Community and Sub-Saharan Africa', 148.

4] Stewart T, 'Competition Regimes in the Caribbean Community and Sub-Saharan Africa', 109 & 118.

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