

Africa

The electronic journal of governance and innovation

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This journal is part of the South African Institute of International Affairs Nepad and Governance project, funded by the Royal Netherlands embassy to South Africa.

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ISSN: 1728-0621

Volume 2, March 2004

No Sovereignty Without Good Governance

AFRICA asserts a fiction of sovereignty. We focus on the trappings of statehood — flags, presidential processions and borders. We sign treaties with our neighbours to abide by rules of non-interference and mutual respect. We hold summits and solemnly commit to noble ideals.

But the reality is different. For decades, we have sold off important chunks of sovereignty because we haven't found the discipline to keep our own books or patch our own roads. We surrender economic policy to international donors and financial institutions. We rely on others to get us better terms of trade. We ask foreign troops to keep our peace.

For a long time the fiction served the privileged few in power, and there was

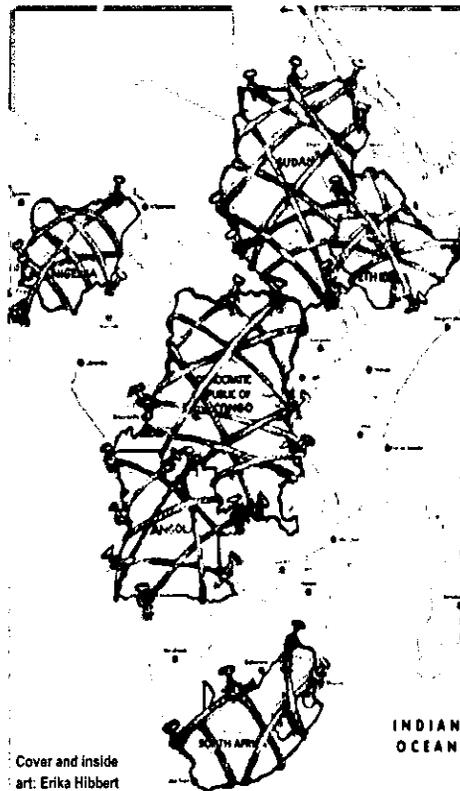
little that the impoverished masses could do — or other African leaders would do — about it. But in the post-9/11 world, a new rule obtains: Countries that can't govern themselves run the risk of being governed either wholly or in part by others.

This reality was reinforced in early March by Gen. James Jones, NATO supreme allied commander, and Gen. Charles Wald, deputy commander of US European Command, who came to Africa to explore prospects for establishing the operational basis for swift deployment of US and European armed forces on African soil in the war on terrorism.

It was no coincidence that their itinerary included stops in Algeria, Nigeria and Angola. Nowhere are conditions more favourable to the clandestine operations of groups like al-Qaeda than Africa's Big States. With porous borders, vast mineral resources and weak legal and security structures, countries like Angola and the Democratic Republic of Congo provide safe havens for groups plotting acts of destruction.

As the lead story in this issue of *eAfrica* argues, stabilising the continent hinges on solving the special problems posed by large populations and vast geographical size. Clinging to the principle of territorial integrity in the absence of ethnic cohesion and economic viability makes little sense. Neither does holding elections without first laying the bricks of statehood.

In an age where Western powers view sovereignty less in terms of defence of regimes and states from outside intervention and more in terms of commitment toward good governance, Africa's self-determination hangs on the willingness of its leaders to meet their people's needs. — **Ross Herbert and Kurt Shillinger**



The Emboldened Triangle

India, Brazil and South Africa aspire to converge in Southern pact to rival North's dominance

NINE months ago, as the G8 heads of state gathered in Evian, France, for what many regard warily as an annual pageantry of Northern political and economic dominance, another, quieter meeting unfolded. There, in the same manicured 13th century town on the stepped shores of Lake Geneva, the leaders of three Southern giants sealed a new pact to combine their strengths and try to tip the global scales back into balance.

The India-Brazil-South Africa Dialogue Forum rests on grand principles: respect for international law; eradication of poverty, disease and social injustice; and globalisation that is more inclusive, humane and equitable. IBSA's formation had a galvanising effect in Cancun, Mexico, few months later, an emergent bloc of developing nations scuppered a US-EU backed deal in international trade negotiations.

Since then, however, IBSA has had negligible impact: The three countries have not yet established the policies and programmes that will define their new partnership. Now that time may have come. Broad ministerial delegations from all three countries, which have a combined annual GDP of \$1.1 billion — 3% of total global economic output — were due to meet in New Delhi on 4-5 March 2004 to translate lofty ideals into tangible initiatives.

Discussions were expected to follow two main tracks: Mutual cooperation in health, defence and trade, on the one hand, and collaboration to bolster Southern influence on economic and security concerns in the World Trade Organisation and UN on the other.

Sceptics are plentiful. Trade experts

note that in a fractured global economic environment, bilateral deals with wealthier Northern partners are paramount. Some non-Western countries feel that the IBSA three are pushing their weight around without a mandate. And policy insiders doubt whether they can truly lower their barriers to each other.

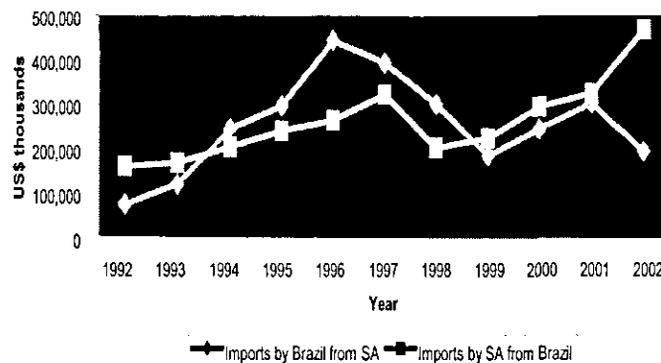
'All three countries are essentially competitors for export share to developed markets,' said Dirk Ernst van Seventer, senior economist at Trade and Industrial Policy Strategies, a Johannesburg think-tank. 'So exactly

an arrogant superpower.

The leaders of the three states have positioned themselves as champions of a rising South. Under Prime Minister Atal Bihari Vajpayee, India is resurgent economically and strategically. Brazilian President Luiz Inácio Lula da Silva dreams of a powerful southern free trade area to rival NAFTA or the EU. President Thabo Mbeki of South Africa envisions an African Renaissance.

A week after Evian, foreign ministers from the three countries signed the Brasilia Declaration, formalising a growing affinity. Since then, trilateral meetings have mushroomed. At a preparatory meeting for New Delhi (held in Brasilia in February), officials stressed the need to develop specific projects for cooperation in nine key areas such as defence, trade and investment and science and technology. Representatives of the three states acknowledge the need to combat hunger and poverty.

Brazil-South Africa Trade 1992-2002



what kind of cooperation are they talking about? Are these countries prepared to make real sacrifices in trade between themselves? The greatest benefits of harmonisation would be opening their markets to each other. But benefits at present seem to be more political than trade-related.'

In the 15 years since the end of the Cold War, the axis of global ideological confrontation has gradually shifted from East vs. West to North vs. South — from communism vs. capitalism to haves vs. have-nots. Emerging just weeks after the US-led toppling of Saddam Hussein in Iraq, IBSA reflected the developing world's anger over what it saw as illegal aggression by

The bloc's potential and cohesion are evident. South Africa's trade with India and Brazil has grown 1,334% and 268% respectively during the past decade. Between Brazil and India, trade has grown 450% over the same period. Brazil has the largest African community outside the continent. India's relationship with South Africa dates back to well before 1893, when a young lawyer named Mohandas Gandhi first arrived in the country.

The New Delhi meeting, the governments hope, will deepen the institutional relationship among the three countries. 'The meeting will be vital because it will start to put the

meat on the bones of IBSA,' said Banashree Harrison, India's Deputy High Commissioner to South Africa. 'The foreign ministers have spearheaded the process, but they are not the experts on science and technology or shipping routes. It is thus up to other departments to network. Both South Africa and India took big composite delegations to Brasilia, not just from foreign affairs. We're still not yet at the project stage, but at least we are identifying the sub-areas where greater cooperation will happen.'

Policymakers within the three countries stress that the partnership is still in its formative phase. 'I wouldn't want to try to quantify achievements,' said Linda Shongwe, coordinator of IBSA activities in the South African Department of Foreign Affairs.

But close to a year after Evian, the triumvirate's lone visible success is in trade negotiations. The IBSA countries were instrumental in brokering a deal in August 2003 allowing poorer countries to override international pharmaceutical patents. Along with China, they mobilised a new bloc of developing states to reject a wide-ranging global trade agreement proposed jointly by the US and European Commission at the WTO meeting in Cancun in September 2003.

The G20+, as the new bloc was called, emerged triumphant but hasn't held together well since. In the absence of viable multilateral talks, the global trade environment has become fragmented. (Bilateral agreements are now para-mount.) Already, Washington has forced six Latin American countries to distance themselves from the bloc. China has aggressively pursued its own trade interests unilaterally. Even in South

Africa, talks between the US and the five-nation Southern African Customs Union are more pressing than giving shape to IBSA.

The three-way pact, furthermore, has aggravated suspicions among African

'The problem comes when South Africa wants to decide for all of the developing world,' said Hagar Islambouly, Egyptian Ambassador to South Africa. 'It cannot fly the flag of the whole group until those positions are endorsed by the whole group. We ask: Are three countries enough to represent the developing world? Do you want to tell me that Pakistan, Indonesia and Malaysia are not important Asian countries in the G77? Is it only India?'

Some states worry about the exclusionary nature of IBSA's membership. 'Namibia welcomes anything that helps the poor put their case ... and representing the poor is one of Mbeki's favourite pastimes,' said Robin Sherbourne, a director of the Institute for Public Policy Research in Windhoek. 'But we're also close to Brazil, India and China, after all.'

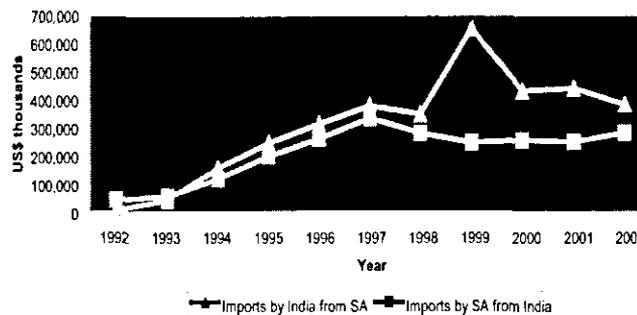
But others, including big players like China, Russia and Iran, reputedly want in. 'There has been a lot of interest so far,' said Juan Omeda Genefio, the IBSA point-man in Brazil. 'From our side, we're not inviting anyone at this stage.' Shongwe agreed: 'Expansion would be a political decision.'

IBSA supporters remain quietly optimistic. 'IBSA's an effective practical method of cooperation, by three countries that count, with weight in the international community,' says Shiv Mukherjee, Indian High Commissioner to South Africa.

'But to succeed, and not to stutter away into routine annual meetings that achieve nothing, depends on political will. There is a huge level of enthusiasm and commitment to IBSA at the highest levels of leadership. Just let IBSA run its course, and if it works, the benefits could be tremendous.'

— Steven Gruz

India-South Africa Trade 1992-2002



countries about South Africa's power and priorities. When Mbeki jetted off to Brazil for Lula's inauguration in January 2003 rather than attending ceremonies marking the landmark peaceful transfer of power from Daniel arap Moi to Mwai Kibaki in Kenya at the same time, not a few Africans wondered about his commitment to the renaissance he promotes.

Brazil-India Trade 1992-2002



Source for all graphs: Trade and Industry Policy Strategies, South Africa

Nor were many non-Western leaders impressed when Brazilian Foreign Minister Celso Amorim recently dubbed the IBSA states 'natural candidates' for permanent seats on the UN Security Council. Nigeria and Egypt, unwilling to cede their own aspirations to be global powerbrokers, are vying independently for permanent seats on the Council.

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Africa's Big States: Toward a New Realism

New paradigms of governance and engagement must be sought to address the special challenges posed by large populations and national territories

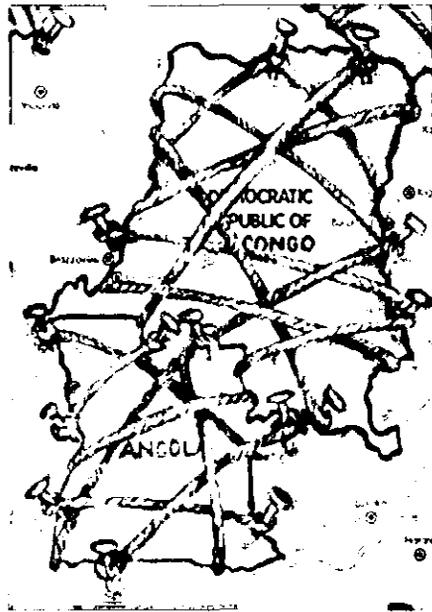
BIG African states are among the least successful on the continent. Countries with a large land mass and sizeable population tend to be chronically unstable. They perform poorly economically, even though many are rich in natural resources and all have established internal markets. They have been among the least successful in overcoming the early post-colonial legacy of single-party or military regimes and in moving toward democracy. Forty-plus years after independence, most are still struggling to find a political system capable of holding together their diverse populations.

Nigeria, the Democratic Republic of Congo, Ethiopia, Sudan, and Angola together account for about 40% of the population of Sub-Saharan Africa. Their chronic internal problems have repercussions that go well beyond their boundaries. The disintegration of the DRC has had particularly devastating consequences, affecting all the neighboring countries and even pulling in some farther afield. Sudan and Ethiopia have meddled dangerously in each other's civil wars for decades, destabilising the entire Horn of Africa. War in the southern Sudan has a spillover effect in Uganda. Angola, which has the potential for rapid economic growth, instead exports refugees. And Nigeria, which aspires to play the role of benevolent hegemon stabilising West Africa, perennially teeters on the verge of an internal collapse.

The only true exception is South Africa. Though still facing a host of major socioeconomic problems, South Africa is a functioning state with both the strong administrative system and

the transport and communication infrastructure that allow modern states to implement policies, collect taxes, and deliver services in return. The unity of the state is not contested by its citizens. Although the dominant role of the African National Congress hampers true political competition, the country has developed a more stable political system than any other large African state.

To be sure, many small and medium states in Africa also perform poorly and their internal conflicts are sometimes



intertwined. But the problems of smaller states more often have little spillover effect. Several small and medium states, furthermore, are showing improved in economic and political performance, making the most progress toward consolidated democratisation.

The same factors that make large states so dangerous — their size and the

resulting complexity of their problems — also make intervention unlikely. Confronted with conflicts that have caused hundreds of thousands of deaths over a long period of time, the international community has offered endless mediation but very little concrete help. At present, there are some 13,000 UN peacekeepers in Sierra Leone, which has a population of 5.7 million, but only about 10,000 peacekeepers in the DRC, which has a population 10 times as large. The various UN missions to Angola in the 1990s were chronically understaffed and underresourced.

The international community needs a new approach to the problems of large African states. A nostalgic commitment to the territorial integrity of these countries does not help them stay together. Classic UN or other international interventions are almost impossible in large countries, because the resources of personnel and finances required are prohibitive.

Size and Instability

Africa's big states, with the exception of South Africa, do not serve the interests of their citizens, their neighbours or the broader international community.

Despite the advantage for growth that large states with resource bases and domestic markets should theoretically enjoy, Africa's three most populous countries — Nigeria, Ethiopia and the DRC — have an average per capita income under \$300 a year, virtually unchanged in the last 20 years and representing a substantial decline in real income and living conditions for most citizens. Such per capita income is

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well below the average for Sub-Saharan Africa, which has increased slightly to about \$1,000 in the last 20 years. Even more striking, per capita income in countries with lower than 2 million inhabitants has shown steady growth for the last 15 years and now tops \$2,000. Other indices of social welfare, such as those measured by the UN Human Development Index, confirm the disparities in fortunes between large and small states.

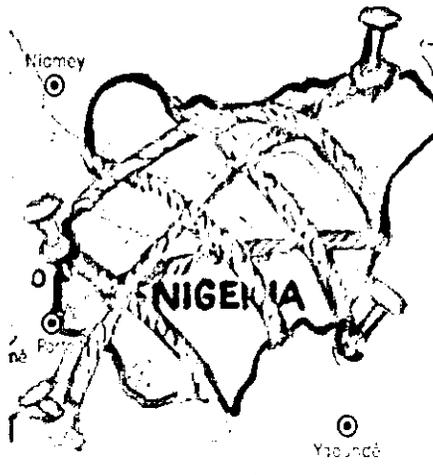
The most serious dysfunctionality has affected the state itself. Big African states have not succeeded in establishing political and administrative systems capable of coping with the challenge posed by their size. They remain poorly governed, poorly administered and perpetually unstable. Sudan and Nigeria have each experienced 11 leadership turnovers since 1960. The DRC had eight turnovers, Ethiopia five.

Long-running civil wars reveal the failure of big African states to reconcile their internal political, ethnic, and religious differences and to establish political systems capable of accommodating the demands and interests of their various constituencies. These internal failures, rather than the interventions by outsiders pursuing their own agendas, explain the instability of big states. Angola became the theatre of a proxy war between the US, allied with South Africa, and the Soviet Union, relying on Cuban personnel, only because the dissension between its leadership provided outsiders with an entry point. When the outsiders withdrew following a 1988 agreement, the war continued as a domestic phenomenon for another 14 years.

Nor can the conflicts in these states be attributed solely to the ambitions of specific leaders. Although nearly all large African countries have been ruled at one time or another by ruthless strongmen, conflicts have extended past the political lifespan of any one individual. Angola may be the exception here. UNITA, the armed opposition group in Angola, was

so dependent on its leader Jonas Savimbi that his death in 2002 spelled the end of the fighting. But it is still too early to tell whether Angola will be able to develop a system of government that can turn the cessation of hostilities into real peace with economic and social development.

Even in countries where wars have ended, the development of a political system that can address the underlying problems has been elusive. Indeed, all the civil wars in big African states have ended by a military victory, not by a political agreement. In the aftermath of war, both Nigeria and Ethiopia have experimented with federal formulas in an attempt to prevent conflict



from recurring, but neither Nigeria's territorial federalism nor Ethiopia's ethnic federalism have provided a fully-tested solution. In Angola, meanwhile, a government flush with its military victory is still trying to avoid real political reform.

Administrative failure has received much less attention than political failure. Big African states do not control their territory well, do not have adequate administrative structures and thus encounter serious problems in implementing policies and delivering services. Despite the often decried bloating of the civil service, big African states are today even more 'underadministered' than they were

in colonial days. In the most extreme case — the DRC — transport and communications infrastructure has been sorely neglected, depriving the population of services, leaving civil servants and soldiers unpaid and undermining private-sector growth.

Experiments in Governance

Unlike Angola and the DRC, Nigeria, Ethiopia and Sudan have sought to address directly the problem of how to govern a large, diverse state, but still seek lasting systemic solutions.

Nigeria. At independence a federal state composed of three large regions, Africa's most populous nation has tried to refine a federal formula since the end of the Biafra war in 1970. It has repeatedly increased the number of states, which now number 36. Nigeria has adopted a constitutional clause, subsequently copied by other African countries, that stipulates that a presidential candidate must show nationwide support by winning at least 25% of the vote in two-thirds of the states to be declared the winner. It has tried to provide representation for all major groups in the civil service and cabinet posts. It has also experimented with different formulas for the distribution of the oil revenue — most recently increasing the share that goes directly to state and local governments.

None of these steps, however, has provided a real solution. Increasing the number of states has eliminated the danger of a direct confrontation among large regions, but it has not eliminated traditional divisions. There is no longer a predominantly Muslim northern state; rather, there are now 12 states in the north and central regions that have incorporated *sharia*, Islamic law, in their legal codes. Increasing the number of states also has not eliminated the potential for further fragmentation: With several hundred different languages spoken in the country, the number of groups that could demand their own state is virtually endless. Similarly, the revision of the oil revenue distribution

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has not quelled discontent among the population of the oil-producing Niger Delta. If anything, the new formula has also created incentive for the formation of new states and led to the decentralisation of corruption rather than to more accountable government.

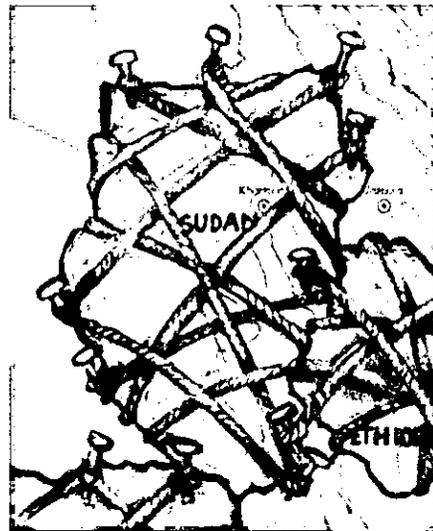
Ethiopia. A loosely structured feudal empire until the 20th century, Ethiopia started directly confronting the problem of how to become a modern state after World War II. Emperor Haile Selassie tried to develop a formal bureaucratic administration, but it remained quite thin on the ground, never extending below the district level and leaving local communities to the authority of landlords and traditional authorities. Selassie also tried to develop a common Ethiopian identity and culture by making Amharic the language of instruction and government. In feudal style, he also attempted to bridge domestic divides by carefully building a network of intercultural marriages for the royal family. It worked for a while, but when the emperor was deposed in 1974, the country started to fall apart.

A new Marxist-oriented military regime sought to set up a centralised, party-dominated system. The outcome was disastrous. The regime did not have the tools to control the system it envisaged. With the help of Eritrean insurgents, ethnic liberation movements rose up throughout the country. When the military regime was defeated by the Eritrean and Tigrean movements in 1991, Eritrea seceded, leaving the Tigrean insurgents to find a means to govern the divided country. The outcome was a bold experiment in ethnic nationalism. Ethiopia became a federation of ethnic states with a considerable level of autonomy. Following the Soviet example, Ethiopia adopted a constitution recognising the right of nationalities to self-determination — even to the point of secession. It remains to be seen whether such a right would be respected in practice any more than it was in the

Soviet Union.

The system is held together by the Ethiopian People's Revolutionary Democratic Front, a Tigrean-dominated amalgam of the ethnic parties of each region. It has been successful in keeping together a country that in 1991 appeared headed for disintegration, but unity in the country remains somewhat precarious.

Sudan. Since independence in 1956, Sudan has wavered between repression and federalism in its response to southern dissent. In 1972, the government in Khartoum adopted



an asymmetrical federal system, with a northern government ruling the entire country and the south having limited autonomy. A decade later, in 1983, President Jafaar Nimeiri tried to break up the southern region into three provinces less threatening to Khartoum, and war resumed. The conflict was made worse when a radical Islamist movement took over the government and declared *sharia* the legal code of the country. Now a second agreement, again giving autonomy to the south, may be in the offing, but, as argued earlier, it does not claim to provide a definitive answer.

South Africa. Despite its size, South Africa considered but rejected a federal solution for two reasons. First, the

apartheid regime had attempted to maintain minority control by setting up 10 independent homelands that would be united to white South Africa in a 'constellation of independent states.' The attempt failed, but also left a legacy of suspicion of decentralization. Second, the country already had a strong unitary system in place that allowed limited power to four large provinces—the original states that were merged in the Union of South Africa following the South Africa (Anglo-Boer) War of 1899–1902. With a functioning system in place, it was easier for South Africa to continue along the same lines. In 1994 the country increased the number of provinces from four to nine, each with an elected legislature and premier. At the same time, the national government was able to use its central control of the public purse to equalise spending across the territory, transfer revenue among levels of government and monitor the fiscal performance of the provinces. Arguably, South Africa has been successful in part because it rejected extreme decentralisation.

Rethinking Engagement

The international community has not dealt with big African states as a separate category requiring a special approach. Rather, it has dealt with them on the basis of a mixture of political expediency and general principles that are often of scant relevance. Countries with economic or strategic interests in the big states have, not surprisingly, sought to protect those interests at all costs. With the weakening of colonial ties, most recently those of France with its former colonies, and the end of the Cold War, the emphasis is less on safeguarding interests than avoiding becoming involved directly in the work of stabilising troubled countries.

But the basic rules have not changed — and are increasingly out-moded. The first is territorial integrity. Enshrined in the charter of the Organisation of African Unity and its successor

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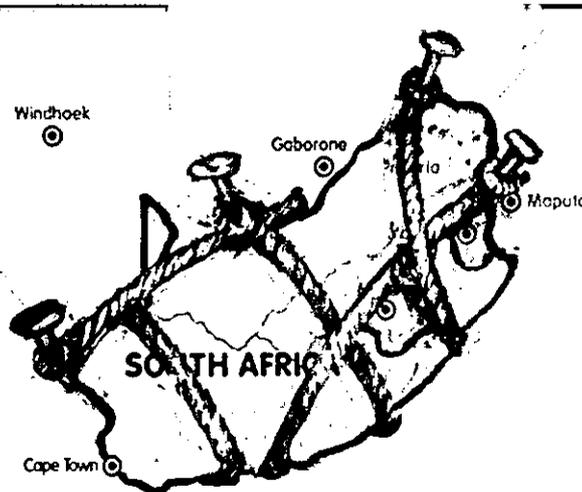
the African Union, this principle was more plausible in the immediate aftermath of decolonisation — when new countries did not want to open themselves to one another's territorial revendications — than it is today. It was also in keeping with the historically unprecedented worldwide freezing of international borders that characterized the Cold War period.

Since the late 1980s, however, more than 20 new states have been formed, primarily in the Balkans and the former Soviet Union, but the international community remains theoretically committed to the territorial integrity of all African states. Only Eritrea has changed the continent's map, breaking off from Ethiopia in 1991.

The second principle is that the most effective political systems are decentralised — and in the big states, decentralisation becomes federalism. Federalism is usually taken to mean a territorial arrangement, not one based on ethnic identities. The Ethiopian solution has been only grudgingly accepted by the international community; it is certainly not held up as a model for solving the problem of large, diverse states.

The third principle, which has only prevailed since the end of the Cold War, is that democracy and a strong bill of rights provide the solution to internal conflicts in states big and small. Political systems should be blind to ethnicity and religion and should not recognise the rights of groups. The US is particularly emphatic on this point.

There is nothing wrong with these principles per se, but they bear little relation to reality. Ethnicity and religion are highly politicized in all African states. The example of Canada, still struggling to find a solution to the problem of Quebec, is a sobering reminder that democracy and federalism are no panacea. Furthermore, the international



community has neither the tools nor the political will to help big African states become federal democracies.

It is time to consider a different approach to big African states. Several new rules apply:

Limit commitment to territorial integrity to defending states against outside aggression. The international system needs to protect countries from being attacked, but it should not guarantee survival to countries threatened by internal factions. Ultimately, shape and cohesion of states should be determined from within.

Define external aggression. Iraq's invasion of Kuwait was a clear case of external aggression. When the neighbours of the DRC send troops into a territory nobody controls, the international community needs to worry about state disintegration, not external aggression.

Accept partition if it happens. Africa does not need another Berlin Conference and more lines drawn on maps. Nor does it need stubborn international determination to keep states alive that remain dysfunctional more than four decades after independence.

Avoid all-purpose federal prescriptions. Federalism may eliminate the demand for partition in some cases, but this will only happen if the component units of the federal system reflect

political reality. In troubled big African states, federalism will predominantly be based on ethnicity and/or religion. The role of the international community is not to dictate the boundaries of the component units, but to help the participants reach the needed compromises.

Do not push democracy as a panacea. A democratic process can only take place when there is a functioning state. State building should come first.

Develop a model for peace-keeping in large states. Peace support operations must be more than symbolic. They should use decisive military force where necessary. Above all, they must find a balance between rebuilding local armies and police forces and helping to build durable civilian administration.

Encourage big African states to look inward first. With the exception of South Africa, big states are too dysfunctional to be encouraged to deal with conflicts in their regions. Nigeria and other big African states will become forces for stability and peace in their regions *only* if they find ways to manage their own considerable political and economic problems. They must focus on their domestic problems first. — **Jeffrey Herbst**, professor of politics and international affairs at Princeton University; **Greg Mills**, national director of the South African Institute of International Affairs; and **Marina Ottaway**, senior associate of the Democracy and Rule of Law Project at the Carnegie Endowment for International Peace.

This article is a shorter version of a paper written for a research project on Big African States led by Drs. Herbst and Mills, with the participation of the Stiftung Wissenschaft und Politik and the Carnegie Endowment for International Peace. For the full report and further information on the project, please visit the website www.ceip.org

Fighting Graft Bribe by Bribe

DR. PETER Eigen, founder of the global corruption watchdog group Transparency International, spoke with the South African Institute of International Affairs in Johannesburg on two recent occasions. The following are excerpts from those interviews.

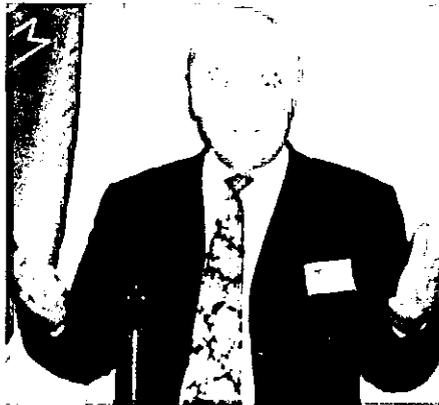
Q: Is Africa more corrupt or less corrupt than it was five years ago?

A: Oh, it's definitely a less corrupt place. There has been a global recognition of how harmful corruption is, how detrimental and damaging it is to development. On the international front, far more effective measures to protect countries from corruption are now in place. Five years ago, it was not a crime in domestic law for a firm from Germany or Japan or the US to offer bribes abroad. In fact, in many instances bribes were tax deductible! But there has been a sea change in the international legal system now. Some 35 countries have acceded to the OECD Convention Against Corruption, which means that those firms now cannot bribe abroad with impunity in places like Africa.

It's now up to countries in Africa to translate this into action. They must inform their Northern colleagues about the ways firms solicit and offer bribes in their countries and seek remedies in those Northern countries.

Another enormous change has been the shift to post-apartheid South Africa. The apartheid regime was very corrupt; it held secret accounts and developed devious and ingenious anti-sanctions machinations. The new government has paid far greater attention to having the right tools and mechanisms for transparency. The key question now depends on political will: How does the ruling party react to prosecuting corruption closer to home? This is where the media and civil society have a crucial role to play.

Q: Have any African countries moved up in the TI rankings?



A: We've seen a lot of backsliding. We expected a major improvement in Nigeria. I believe President Obasanjo is committed to the process, but he faces a powerful congress that has really delayed the legal reform process. Obasanjo himself is not immune from attacks and accusations. But I'm hopeful.

Kenya has shown short-term improvements. We've heard the stories of passengers beating up *matatu* taxi drivers who continued to demand bribes. But politics can overwhelm the best intentions. They have fired 6,000 procurement officers, they've fired half the judges, but the downside is that activity grinds to a halt. Perhaps they would be able to borrow judges from other Commonwealth countries with similar legal systems. But the donors are keen to support President Mwai Kibaki's efforts, including the British, Germans, Scandinavians and the World Bank.

Q: Lesotho successfully brought charges against Western companies for bribery. What's the significance of this development?

A: An unfortunate consequence for Lesotho is that in exposing corruption, it is perceived as a more corrupt country than it might have been had it just kept quiet. I have great admiration for their attorney general and his legal team. They defended their case against powerful international lawyers who used all sorts

of legalistic arguments, but ultimately had their appeal rejected. The fines imposed on the guilty companies were small, especially considering the benefits gleaned from the corrupt activities.

Far more significant, however, is the threat to the reputation of these companies, and indeed the threat of being blacklisted by the UN and other agencies for future contracts. The companies have complained that these punishments were too harsh and that these sanctions should be moderated. German companies, for example, claim that at the time it was not illegal to bribe and was even tax deductible. But this is hypocritical. At first governments said they would not punish their companies because African countries were the ones demanding the bribes and why should they superimpose their standards, laws and ethics on other countries? Now they switch to saying these actions were not illegal in *our* country at the time.

Q: Is Lesotho an isolated example?

A: I believe that such prosecutions could happen in Nigeria, and in Kenya, too. In future, under the OECD Convention, states will simply have to inform the home country and then the prosecution and/or punishment will occur in the North. There's a scandal in Norway at present over Statoil bribing in Iran. The chairman and CEO were forced to resign. The same thing happened in a Japanese company bribing in Mongolia.

Q: What is your assessment of the new international revenue mechanisms applied to the new Chad-Cameroon pipeline, which were meant to reduce corruption and divert oil profits to social initiatives?

A: The danger in Chad is that the pipeline revenues are completely out of proportion with the national economic environment – they represent far more money than that country has ever seen. Thus there has been the experiment to

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create a special fund that is controlled by credible players for the good of the people. I think the spirit of the Chad Revenue Sharing Formula is excellent, but the temptation for corruption is enormous. Sadly, the first oil payments to the Chadian government were unilaterally used by the president to buy arms. He claimed this first amount was not covered by the formula. They plan to publish the audits in the public domain, but the country lacks strong civil society organisations. There are powerful international investor and funder interests involved, too.

Q: How do Africa's ordinary citizens react to their corrupt governments?

A: About 10 countries in Africa are facing elections in 2004 and I believe that corruption is *the* major issue in many cases. That is clear from our surveys, despite claims that poverty and unemployment top the political and electoral agendas. In Europe, 1 in 100 people have experienced corruption. In Africa, 48 out of 100 people have had actual experience of corruption.

Q: There are signs in Kenya that fighting corruption is more easily said than done. What's next there?

A: I believe that Kibaki is doing the right things in the right way. We don't try to second guess or give recipes to leaders. But he has been welcoming to civil society, open and transparent. He should continue implementing a national integrity system, as he has done. The more momentum is gained, the more donors and international agencies will be confident that resources poured into the country will be correctly used.

For me, it was an amazing personal triumph returning to Kenya in July 2003, with World Bank President James Wolfensohn. Twelve years before, I had left Nairobi as a humiliated, defeated person. I was working in the World Bank at the time, and the endemic corruption in the society made me so despondent. Even my best friends and colleagues in Kenya were steeped in it. I was deeply offended — especially when

I brought my concerns to the World Bank about corruption and was told that it's none of their business and they were not allowed to look at corruption. This was a major influence on my decision to form Transparency International. So it was one of the most personally gratifying things of the last decade to return to Kenya — with the president of the World Bank in his private plane — to meet Kibaki and see the changes in that society.

Q: On a practical level, what is the role of African parliaments in fighting corruption?

A: Parliaments should be the allies of the people in fighting corruption. They play a crucial role in building the integrity system, and through probing commissions and committees can keep the executive honest. South Africa's constitution I believe has the most complete catalogue of transparency guidelines enshrined anywhere in the world. Combined with a speaker of strong integrity like Frene Ginwala, this is very powerful.

Q: What can ordinary citizens do?

A: President Obasanjo made a telling comment to me. He had asked young Nigerian children about their ideal career aspirations. He did not get the answer that children wanted to be teachers, doctors, lawyers or businessmen. They said they wanted to be civil servants, so that they could drive a Mercedes Benz.

Sometimes corruption is so endemic that people don't care; they shrug and laugh about major scandals. But in Kenya we saw a sense of outrage. Remember the stories of bribe-seeking policemen being beaten up by the people? There should be zero tolerance for corruption.

Q: What about the argument that civil servants are paid so little they must resort to bribery to survive?

A: The most corrupt are often the richest, not the poorest, citizens. We have to have hard civil service reforms. If we cannot afford these bloated bureaucracies, we should not have them.

Pay those we do need decent wages. If we tolerate self-financing schemes, there is no end. If a teacher must extort money from students to feed his own family, if a nurse or policeman demand bribes, then these are lousy public servants that nobody needs. It is totally wrong to argue that poverty justifies corruption.

Q: You've said that corruption in Africa often stems from practices in developed countries. What is TI doing to stop this?

A: One of the tools we've developed is the 'integrity pact'. Within industries, companies say they want to stop bribing but dare not because their competitors continue to do so. So we bring all the companies together to adopt a common standard on non-bribery. For example, if there is a tender in Kenya for the supply of turbines, and all the players agree to the pact, there are heavy penalties for bribery such as the loss of bid security, liquidated damages or even blacklisting. The World Bank lists over 100 companies on their website who have been involved in bribery.

Another tack is to ensure that civil society has access to the strategic documents at various stages — tendering, bid evaluation, contracts. At first the World Bank rejected integrity pacts as anti-competitive, but has come around.

A third element is the 'publish what you pay' initiative spearheaded by international NGO Global Witness, which has been at the heart of the blood diamonds exposé. Some African governments like Angola make huge windfalls selling oil, but governments refuse to inform their populations how much they receive. Now some large oil companies — BP and Shell, for instance — have said they will disclose the payments made to governments. Obasanjo has recently pledged publicly to disclose what his government receives in order to compare official figures with what the oil companies say they pay. This is a big step forward, and we hope the US companies will also agree.

A Seat in the Grass

On her first trip north 'into Africa', a young South African woman confronts the complexities of reconciliation in Rwanda — and in herself

THE mountains are beguiling. Volcanic and tropical, they teem with life: bearded colobus, a hundred kinds of butterflies and twice as many tree species all in a space scarcely larger than Wales. Banana groves slide off the slopes into valleys deeply rutted by brick cutters and potato mounds. As the hills slip by it is tempting to forget the secrets they hold. But in Rwanda, forgetting is impossible.

This was my first trip in 'Africa,' as we from South Africa like to call the rest of our continent. I started in Kenya, confronting what my country tried for 350 years to separate itself from: the African experience. For years I had Kenyan and Ugandan acquaintances who made me feel guilty for the xenophobic tendencies of my countrymen. They reminded me constantly of the contributions and sacrifices their countries made to assist our struggle against apartheid. They said I should be grateful for their black governments. They made me, a black South African woman, feel as if I owed them something. Maybe I do.

Kenya and Uganda were moveable feasts: vibrant, sensuous, crumbling. Their bustling cities and broken roads played to the lighter emotions—curiosity, bemusement and, to a degree, affinity. But Rwanda was different. Against the chaos of Kenya and Uganda, there is a calm to Rwanda. Traffic moves at a seemingly different pace. The roads are smoother. Perhaps it is the eeriness of confronting a horrific past that is immediately, palpably present, but Rwanda feels more contemplative. At any rate, certain parallels with my own country's experience are inescapable.

Rwanda is about to commemorate 10 years since its previous government incited a frenzy of ethnic genocide



The debris of genocide: Skulls of victims of the 1994 ethnic massacres in Rwanda collected for display in the national genocide memorial in the capital, Kigali.

Photo: Graeme Williams

that consumed an estimated 800,000 people. At that very horrible moment, thousands of kilometres to the south, we were counting down the final tense days to our first democratic election. While we were dancing in the streets, Rwandans were hunting down their neighbours, their brothers, their own wives and children in the maize. While we held the world in rapture, the brave and powerful turned their gaze away from Rwanda. On my first ride through Rwanda's countryside, celebrating a decade of democracy felt like desecrating the memory of the dead.

Somehow, the hundreds of years of being described as sub-human, discriminated against, despised and abused that my people suffered paled in significance to the 100 days of horror that Rwandans experienced. Sitting on the bus, I felt I had intruded on a private affair. I could never pretend to understand the pain of those in the seats next to me. I am fortunate. The closest I ever came to the atrocities of the apartheid era was when people came forward at the Truth and Reconciliation Commission to recount their stories of loss and suffering.

After a decade of democracy, we in

South Africa are shielded by a veil — a strong and encompassing constitution that makes it slightly easier to pretend that apartheid is dead and buried. But in Rwanda that veil does not exist. It is no longer official policy in Rwanda to label people Hutu or Tutsi, to force them to carry identification cards the way the apartheid governments made us carry passes. But there is nothing to soothe the fears of ordinary Rwandans.

The drive from Katuna border post to Kigali took about an hour, and in that time I tried to concentrate on the present — the amazing slopes, the cool mountain air. But the past kept filtering through. I couldn't help wondering what secrets lived in the hills. As we neared the capital, one of my travel companions asked me what I would like to see in his city. I couldn't say what I wanted to: the genocide memorials. I wasn't sure if I could say the 'g-word' out loud in a bus loaded with Rwandans, so I just smiled and looked out the window.

As the road made a final descent into Kigali, my other companion, also Rwandan, tugged at my sleeve and said: 'Genocide.' For a horrible second I thought we had stumbled upon a fresh

outbreak of violence. His half-smile told me otherwise. Off to the right stood a genocide memorial. That simple gesture broke the ice for me. I understood that I could satisfy my curiosity openly without inciting anyone.

On my second day in the country, we drove south from Kigali to Gitarama province where some of the worst of the killing occurred. Our first stop was a memorial in the district of Kibagali, where human skulls and bones were neatly stacked on glass shelves – the silent, faceless remnants of husbands, wives and children.

Later that day, we attended a preliminary hearing of a *gacaca*, a traditional court where perpetrators and victims resolve their differences before the community and a panel of eminent persons. Rwanda has revived *gacacas* – the word literally means ‘in the grass’ – in a national experiment in social healing and reconciliation.

About 60 residents congregated under a few trees in an open patch of ground next to some houses. Sixteen people sat in judgment. As my companions and I found comfortable spots in the field, the chairman of the panel called out a name of a victim. He asked if anyone gathered there knew how the man had died. Silence. No hand went up. Finally, one of the panellists stood up in anger and said it was impossible that no one had witnessed the killing. She knew, she said, specific people present at the sitting who should have seen the incident.

Provoked by further silence, she gave her own chilling account of how dogs were set on the victim, chasing him through the village until he finally lost the fight for his life. She then pointed out an elderly man sitting under one of the trees as having witnessed the chase. She accused the elderly man, describing how he continued harvesting beans as the horrific drama unfolded nearby.

Dispassionately, the old man acknowledged that he had been tending his garden at the time in question, but said he did not see anything.

I was stunned. Such passivity is incomprehensible, even when you come from a country where crowds once gathered to watch gruesome killings perpetrated in the guise of mob justice.

Across Rwanda, billboards promoting *gacaca* proclaim: ‘The truth heals. Let’s tell what we saw, let’s confess to what we did. This will heal us.’

I wonder. The success of the *gacaca* system heavily relies on people volunteering information, being honest about what they did and what they saw. It was the same in South Africa. We offered amnesty – immunity from prosecution – in exchange for the truth. By trading stories – what we did, or what we endured – we hoped to find reconciliation. Who can yet say if it has worked? Our society is still fragile and fragmented.

Who can say if it will work in Rwanda? The reality of this country is that many ordinary people were incited by the government to kill and there is not enough time to try them all or space to imprison them. But how do you learn to trust a man who picks beans while his neighbours are slaughtered? How do you greet him in the marketplace? Will confessions and finger-pointing in open-air tribunals enable Rwandans, the most Roman Catholic of Africans, to forgive ‘until seventy times seven?’

A few days later, once again at the Katuna border, I crossed back into Uganda riding on a *boda boda*, a bicycle taxi, whizzing past travellers who had left me in the immigration queue. As the cyclist picked his way through the clog of people and cars, trying his best to avoid the bumps and potholes on the road, I thought of Rwanda’s own uncertain road to recovery. The obstacles they face are revenge and resentment. Ten years after the killing, the country’s name is still synonymous with genocide. Perhaps, though, if Rwandans steer their course as we in South Africa did ours, the hills of their homeland may in time reveal a new story: a tale of hope. – Luleka Mangquku

BRIEFS

The next African diplomacy: African leaders gathered in Kigali, Rwanda, last month formally launched the African Peer Review Mechanism, a provision of *Nepad* designed to enable African leaders and civil society to evaluate the performance of selected governments. So far, seventeen countries have agreed to participate. Ghana, the first, was to come under review in March. The peer review process involves both internal and external assessments of political, economic and corporate governance and socioeconomic development. Although critics worry that governments under review may resist full transparency and public participation, Marie-Angelique Savané, chairperson of the seven-member APRM panel of eminent persons, said after the launch that ‘the data emanating from each country can be respected because of the people who will sit around the table to discuss it. You will have civil society arguing with government, for example. This is why some countries are not subscribing to the APRM. They’re afraid of this.’ The process is voluntary and carries no sanctions if countries under review fail to adopt recommended reforms.

We band of brothers: Rejecting a plan by Col. Muammar Gaddafi to establish a single African army, African leaders meeting in Libya in early March agreed to set up a joint military force to intervene in civil war and genocide. Part of a broader agreement on defence and security in Africa, the new force will include troops from countries such as South Africa, Egypt, and Nigeria and will be organised under the authority of the African Union Peace and Security Council.

Turning the screws: Washington imposed a new layer of sanctions on Zimbabwean President Robert Mugabe in early March targeting companies either owned by the government and ruling party or in which senior government and ruling party officials are key stakeholders.

Flight: Jean-Bertrand Aristide, ousted from Haiti for the second time since first becoming president 14 years ago, fled to the Central Africa Republic in early March.

Verbatim

“Our necks, Mr President, are fat and thick — not because they are well fed, but because they are used to carrying 25 litres of water. What is the government doing to help us?”

– A young rural South African woman, speaking to Thabo Mbeki during one of the president's campaign stops.

“The citizens of Liberia now have the opportunity to put 15 years of war, chaos and misery behind them and to build a future of hope. This promising moment is not likely to come again.”

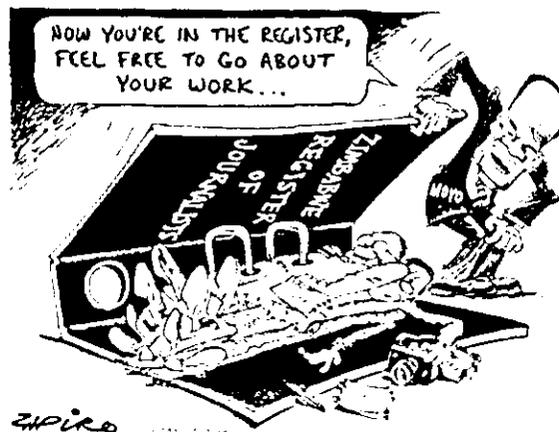
– Colin Powell, US State Secretary, at the International Reconstruction Conference on Liberia, at the UN in New York. The US has given \$290 million in humanitarian and reconstruction aid to Liberia and \$245 million for UN peacekeeping operations in the country.

“As someone who served almost his entire adult life in the career military, the fate of Liberia's child soldiers moves me deeply. These boys and girls have known more horrors in their young lives than anyone, let alone a child, ever should have to endure.” – Powell

“There is a manifest imbalance between the 30,000 NATO peacekeepers deployed in tiny Kosovo and the 10,000 UN peacekeepers deployed in the DRC, which is the size of western Europe and where some 3.5 million people may have

died as a result of fighting since 1998.” – Louise Frechette, UN deputy secretary-general, speaking at the sixth Institute for Defence Studies and Analyses Asian Security Conference in India.

“I think HIV/Aids is used as a weapon to influence partners ... in terms of their behaviour. It is a very violent, vicious, angry means of controlling the individual. The issue is: how can I keep this individual for me, and I'm willing to do it by any means.” – Eugene Hughley, a sexual violence specialist, speaking



at the first African Congress on Sexual Health and Rights in Johannesburg.

“There are more of them than there are of us. And if they get their message through, who will be able to stop them from winning the race for Etoudi [Cameroon's presidential palace].” – Joseph Mbock, principal councillor of the ministry of territorial administration, on the number of women candidates who have entered the presidential election in October 2004.

“We have to learn how to be realistic: I don't think it's possible for one of our sisters to attain the presidency. What's most important for Cameroonian women is education and fighting poverty.” – Jeanne D'arc Teumo, honorary president of the Integrated Anti-Poverty Programme, a local NGO in Cameroon

“I am about to get fed up of being criticised. As if that money is coming into my pockets.” – Zambian President Levy Mwanawasa, reacting to complaints about his \$6 million travel allowance in the 2004 budget. He decided to slash it by almost half.

“Many people [in Zimbabwe] are looking toward South Africa for help. They are not saying use force. They believe it is possible to bring about change through applying certain economic pressures or threatening with such action.” – Archbishop Desmond Tutu

“I do not think it was anything to do with Western imperialism. Western imperialism is much more thorough than that. One has to be aware of the machinations of the West, but I haven't come to a stage where I fear for my life yet.” — Zimbabwean President Robert Mugabe, commenting on finding bits of broken glass in his food.