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Africa's Future: That Sinking Feeling

Ray Bush & Giles Mohan

This issue of The Review revisits issues of governance, civil society and human rights in Africa. It does so just as the issue reappears on the agenda of international agencies and western governments. Indeed, this year's fashionable new ideological robes (as far as development and the South are concerned) is the idea that economic growth will be driven by greater political participation. This lies at the heart of the propositions being advanced by various donors about a 'multifaceted development challenge' aimed at creating a 'window of opportunity' to end 'the marginalisation of Africa's people'. Like all the other formulations articulated from this quarter over the last thirty years, it deserves analysis less for what it might do for Africans than for what it is likely to do to them; in other words, for what it tells us about its imperialist design.

The British contribution to this changing discourse is a case in point. Tony Blair’s 'Africa Partnership Initiative' and the British Government's Eliminating World Poverty: Making Globalisation Work for the Poor (2000) argue the need to help 'developing countries build the effective government systems needed to reform their economic management, make markets work better for poor people and meet the challenges of globalisation' (HMG, 2000:23). Effective government, as Crawford's review in this issue of the DFID White Paper notes, is seen as necessary to carry out basic functions and to be more responsive and democratic. Incredibly, the mechanism regarded by the British Government as being necessary to enable effective government to develop in the South is making globalisation work for the poor. The internationalisation of capital which has marginalised the vast majority of Africans and subordinated sub-Saharan Africa to the interests of western business and geo-strategic interest is, in the 21st century, now to be put to work to help the poor of the world's poorest continent. Exactly how this miraculous conversion is to occur is, naturally, less than clear.

Unsurprisingly this is also the message of recent World Bank publications. Among these, one entitled Can Africa Claim the 21st Century? (2000) argues that Africa can 'claim' the new century if crucial progress is made on four fronts: improving governance and resolving conflict; investing in people; increasing competitiveness and diversifying economies; and reducing aid dependency and strengthening partnerships. This optimism is set against the recognition that 'average income per capita is lower than [it was] at the end of the 1960s' (2000:1). Excluding South Africa, average per capita income in 1997 was $315 – making Africa the poorest part of the world. Indeed, as the Bank's report admits, the total GDP of all 48 countries on the continent combined comes to little more than the income of Belgium, while the average GDP for sub-Saharan African countries (again excluding South Africa) is, at about $2 billion, no more than the output of a town of 60,000 people in a rich country (2000:7).

Now the Bank and other international agencies pursue the idea that economic growth will be driven by greater political participation; this is perhaps at the heart of their
proposed 'multifaceted development challenge' offering a 'window of opportunity to reverse the marginalisation of Africa's people'. But that change, even according to the Bank's own assessment, requires an annual growth rate of at least 7 per cent to meet international targets of reducing world poverty by 2015 – and that level of growth is nowhere to be found.

Rejecting this false optimism, Bonnie Campbell in this issue carefully documents the way in which the international financial agencies progressively promoted a governance agenda after 1945 as the World Bank and IMF moved far beyond their original terms of reference. She notes how various editions of the World Development Report promoted state reform and governance programmes based on universalistic characterisations of democratic politics. In consequence, they failed to appreciate (or were not interested in acknowledging?) the specific historical experiences and political dynamics of countries in Africa or elsewhere in the South. And since their superficial theories did not grasp these realities, it became difficult to see how political and economic liberalisation could be effective and sustainable or how they could work outside the context of a strong local state. Campbell also notes how terms like 'governance', 'capacity building' and 'state efficiency' are used regularly by policy makers without clarification of who the promoted and desired reforms are for, or to what end they are directed.

Moreover, while importance is regularly attached by agencies and NGOs to political participation (normally through revising electoral procedures and facilitating party politics), little is said or done to ensure that formal political structures permit effective participation or discussion about what form they might take. Nor is there much evidence of concern about whether or not there is any popular discussion of how political agendas are set or how those handed down by local elites or the IFIs can be challenged. But then, such genuine grassroots democratic participation is not what the donors are about. Thus, Campbell grounds her critique of the World Bank and the IMF in an examination of the politics of transition and crisis in the Ivory Coast. She explores the extraordinary political shuffling of the post Houphouet-Boigny period, the role of military intervention and the impatience of the World Bank and IMF about the inability of the authoritarian Abidjan regime to accelerate economic reform and secure the interests of international finance.

Mohan and Holland address the question of human rights and development. Throughout the 1990s the debates about human rights and development have increasingly converged and the authors question whether or not the emerging human rights-based approach to development, honed in the period of revisionist neo-liberalism, can deliver meaningful improvements to the African crisis. To understand the current debate about rights and development it is vital to trace the unfolding of these two traditions and the ways in which they have become inseparable. In particular, the 'first generation' rights which emerged out of the American and French revolutions and underpin much liberal thought were established to protect private property. Given these roots, it is debatable whether they can protect the communal rights found in many African and, one could argue, socialist societies. Subsequent generations of rights have addressed more fundamental developmental issues, but evidence suggests that these are much harder to protect. Yet it is the stated intention of recent approaches to ensure that these so-called economic, social and cultural rights are embedded in the developmental and political processes.

Mohan and Holland summarise two recent reports which place such concerns at their centre and examine the implementation of rights-based procedures in Africa,
focussing on the contradictory position of the state. They conclude that the next emphasis on economic and developmental rights should be welcomed but that the potential exists for the rights-based agenda to be used as a new form of conditionality. That would usurp national sovereignty and, insofar as it hands responsibility for defending rights to authoritarian states, the process does little to challenge the power structures which may have precipitated rights abuses in the first place. Mohan and Holland argue that only by embedding discussions of rights in the locally meaningful struggles that confront Africans and by promoting broader and direct participation which, crucially, promotes self-determination, can a rights agenda more effectively promote African development.

The contribution to this issue by Zack-Williams continues this theme through an examination of the decline of pluralism in Africa and the rise of the one-party state. Rather than accept the donor view that economic and political liberalisation must necessarily be accompanied by a decline in the role of the state in Africa, he argues forcefully that what is needed is to improve state capacity while reducing the proliferation of unaccountable NGOs and international financial agencies. Zack-Williams is mindful, on the one hand, of the 'backsliding' that has taken place after multi-party elections and the intransigence of single-party governments placing obstacles in the way of possible democratic renewal. He is equally aware, on the other, of the contradictory positions taken up by international agencies which bolster despotic states for geo-strategic reasons (as with Kenya's Arap Moi) while local democratic struggles are crushed by these same states. The Kenya case is detailed by Ajulu who raises important questions regarding the prospect, or rather the lack of it, of Moi leaving office at the end of his term in 2001 and the implications that this will have for promoting ethnic politics and unaccountable political institutions. For all its noises about democratic development, the donors remain tied to regimes that depend on them and facilitate their policies.

Indeed, it seems that the dominant paradigm of the IFIs is to allow African states to continue with some limited economic activity until international firms can be found to fill the space left by liberalisation. Their declared intention may be to facilitate national economic rejuvenation but this seems impossible while no limits are set on foreign corporate or bilateral intervention. The important thing is for these increasingly 'residual' African states to be more accommodating of capital than many of them have been so far. The perception of African states from a New Institutional Economics perspective, for instance, one that has gained some popularity, has been to criticise African governments for failing to facilitate 'market-friendly' institutions. Love's article in this issue shows that the NIE falsely reduces complex political and cultural processes to simplistic monocausal abstractions. He does this through a case study of marketing channels in Ethiopia, which link coffee producers, traders and exporters. He argues that there is a need for a more sensitive and radical political economy that does not reify institutional structures but examines social and economic processes of power and conflict.

The determination of the IFIs to press on with continued market reform and to extract compliance with their rhetorical aims from African governments was made possible by the humbling of the continent in the 1980s and 1990s. The lost decade and a half of economic collapse left states and governments unable to withstand an ideological onslaught while local policy initiatives have been simultaneously crippled by the politics of spoils and crony capitalism. Yet, in spite of this lengthy hegemony, the wreckage of IFI policies litters the continent. And the IFIs remain unable to explain their repeated failures precisely where they have been most involved in trying to
instigate change. While the Bank may argue that the sequencing of reforms has been bad and their implementation uneven, it cannot be denied also that the absence of a dynamic local bourgeoisie, able to promote capitalist economic growth and political reform, has been critical. Despite the continent continuing to underachieve (no matter what indicator the IFIs use), they refuse to accept that their policies are fundamentally wrong; vibrant and autonomous capitalist development will not emerge from the detritus of state collapse and economic liberalisation. Africa, instead, is cluttered with the structures of persistent uneven and combined development that have generated both structural poverty and the continent’s peripheral position in the international economy. Little that the donors have done in 30 years has lessened the effects of these structural constraints and some of what they have done has worsened them.

In the face of these failures, the World Bank now urges major changes if Africa is to catch up. The nature of these changes is not terribly clear but the wish list includes the areas of governance and stability - not least because poverty generates conflicts and vice versa. Yet little in their pronouncements indicates that there has been a process of learning, that they have any understanding of the way in which conflicts have emerged over state resources, over control of resource extraction and trade, over parallel markets, over new donor interventions and aid, and over attempts to police their removal from Africa. Despite the rhetoric that globalisation (and specifically the extraction of Africa’s resources) will generate development through resource-led growth, the enclave economy model remains. Globalisation is to be secured by economic and market security and resource-led growth, presumably, is to be secured by military protection, either by militias or by new foreign trained and equipped ‘national’ armies.

So what is left for Africa if the donors succeed in implementing this ‘new democracy’ or ‘new partnership’. It implies another protracted phase or period of Africa’s marginalisation under the imperialist cosh. It is a paradox or, more precisely, a contradiction that as the agencies and western governments seek to engage and embrace a strategy of seeking to ‘develop’ Africa the most likely outcome will be another decade of poverty and misery. The new colonisation speaks for itself. Africa’s share of all FDI flows to developing countries has dropped from 13 per cent in 1980 to less than 5 per cent in the late 90s. Average income per capita in Africa is less now than at the end of the 1960s, the continent has the largest proportion of the world’s absolute poor - making Africa the poorest continent. There remains very little diversification into non-traditional economic activities. And terms of trade shocks have a far greater impact on African countries than they do elsewhere in the third world. The African Development Bank notes that terms of trade deterioration in Africa between 1970-1990 caused a 3.1 per cent real income fall compared with 1.6 per cent elsewhere in the South and this took place at a time of an increase in import prices for African import dependent countries. International commitment to halving poverty by 2015 requires unattainable annual growth rates and a significant distribution of resources - presumably without any losers. More than 40 per cent of its 600 million people live on $1 a day.

An important feature of the new discourse placing democracy and governance at the centre is that the language has changed from the old adversarial notions of inevitable conflict between the state and the market to be replaced by talk of a harmonious and symbiotic relationship: a partnership. This use of partnership is a distinctive element of the new dispensation. It allows the World Bank and other agencies to posit a harmony between them, to present development programmes in which there are no
losers, only win-win outcomes. Herein lies the World Bank’s concern with ‘investing in people’. This to be generated by decentralised provision in partnerships with donors. But at no time is the idea of partnership portrayed as an equal partnership, either by the World Bank or by Britain’s DFID. At no time is there the opportunity for two partners, the donors and African governments, to produce an agenda that is jointly theirs. Nor is there much effort to engage with African institutions or to use existing regional structures to promote social reform. Nor is there any recognition that social and political change involves a protracted process in which it will be necessary for the ‘partnership’ to discuss and negotiate agreed solutions to local and international disputes and come to mutually acceptable and democratically legitimate solutions. This is a ‘partnership’ with only one partner. The role of the African ‘partner’ is designed to be that of bystander, occasionally taking orders.

Bibliography


It is with great alarm that we hear the news from Cairo of the imprisonment of American University in Cairo Sociology Professor Saad Eddin Ibrahim. Imprisoned for 7 years hard labour on a cocktail of charges that included accepting foreign funds without authorisation and disseminating false information harmful to Egypt’s interests and embezzlement. Twenty-seven of his colleagues from the Ibn Khaldoun Center for Development Studies in Cairo received 1-5 year prison terms – nine of which were suspended sentences. At a time when the Government of Egypt and its President have stressed the importance of greater political liberalisation and openness, the article in this issue by Omayma Abdel Latif indicates that the recent election was once more dogged by violence and corruption; indeed Egypt’s polity has become more illiberal in recent years despite, or is it because of, the level of US assistance that is the highest of anywhere in the world, apart from Israel.
Governance, Institutional Reform & the State: International Financial Institutions & Political Transition in Africa

Bonnie Campbell

This article argues that certain aspects of the institutional reforms which seek to achieve good governance, by treating political institutions and processes as manageable and essentially technical issues, seems instead to have contributed to the narrowing of political space and to the informalisation of politics. The argument is illustrated with reference to the recent experience of political transition in Côte d'Ivoire. The text analyses the compatibility between the institutional reforms introduced at the recommendation of the Bretton Woods institutions and the economic austerity which has resulted from recent decisions on the one hand, and on the other, the conditions necessary for the broadening of political space – the very issue on which depends the success of the transition itself. On the basis of the several observable current trends, the article concludes by raising the possibility that the transition may well result not only in the mere prolonging of past modes of political and economic regulation, but also in a gradual shifting away from a liberal pluralist model based on a participatory and inclusive ideal of politics, to an authoritarian one based on a technocratic ideal, likely to give rise to strategies of division and exclusion.

Introduction

The involvement of the Bretton Woods Institutions (BWI) in African institutional reform has led them onto a political terrain beyond their mandates. That is despite the World Bank's attempt to depoliticise the notion of governance by defining it in managerial terms as 'the manner in which power is exercised in the management of a country’s economic and social resources for development' (World Bank, 1992:1). Although framed in terms of introducing rules, procedures and institutions to increase state efficiency, the reforms proposed over the last decade have shaped politics in very profound ways. Moreover, to the extent that political processes have tended to be reduced to technical administrative procedures, the result appears as an attempt to depoliticise political processes denying the legitimacy of a wide range of local political objectives. Particularly important among these are government initiatives to put forward redistributive policies aimed at reshaping political compromises and coalitions with a view of promoting social and national unity. The consequences of such institutional reforms in situations of political transition take on particularly sensitive implications because of the institutional weaknesses that define such historical processes.
This article argues that certain aspects of the institutional reforms which seek to achieve good governance, by treating political institutions and processes as manageable and essentially technical issues, seems instead to have contributed to the narrowing of political space and to the informalisation of politics. The international financial institutions (IFIs) have contributed to a shifting away from a pluralist model based on a participatory ideal of politics, to a more authoritarian one accompanied by potentially divisive forms of intervention which draw their legitimacy with reference to a technocratic ideal (Mosley, Harrigan & Toye, 1991:16). My argument is illustrated with reference to the recent experience of political transition of Côte d'Ivoire.

Governance, Institutional Reform & the State

I begin by assessing the evolving Bretton Woods Institutions (BWI) perspective on governance and state legitimacy. These institutions have come to define the particular regulatory framework seen as necessary to ensure the success of their economic reforms. My discussion is set in the context of the evolving mandates of these institutions which was to bring the World Bank and the International Monetary Fund into a working relationship of close complementarity (Loxley, 1986; Helleiner, 1994).

By the end of the 1980s, the BWI had progressively entered areas that lay beyond their original mandates. These involved the formulation of recommendations for institutional reforms as a counterpart to their lending practices in the countries in which they were present to promote policies of economic adjustment. Ironically, within less than a decade, the World Bank had assumed the role of leadership in the process of redefinition of the role and functions of the state in these same countries. Over time, this reform process was to result in the construction of new normative frameworks which were to have far reaching implications not only in the social sphere but also with regard to the evolving nature of political processes and political space itself.

The improvised nature of the policy process is highlighted below in my documentation of the changing perspectives contained in the World Bank's 1992, 1997 and 1999/2000 publications. The evolution of the Bank's perspective has done nothing however, to lessen the continuing contradictions and ambiguity of the positioning of the BWI as they attempt to manage and monitor complex processes of institutional reform from abroad.

1992: The Attempt to 'Depoliticise' Governance

When the World Bank published Governance and Development in 1992, the most complete statement in this area until that time (Moore, 1993), the institution very explicitly specified that it would not enter the political dimensions of the recommendations which it put forward, for it considered these to be outside its mandate. Yet in spite of the fact that it was formulated in technical terms of good management, the World Bank's proposal for governance incorporated and promoted a quite specific notion of the state, of its role, of its desirable evolution, proper functioning and a quite distinct conception of state-market relations (Campbell, 1997a).

Several points are worth underlining in this regard. The first is the fact that the institution was drawn onto the terrain of institutional reforms with considerable reticence. In this respect in 1992, the World Bank clearly delineated the areas that it considered to be within its jurisdiction and those beyond it:
Governance, in general, has three distinct aspects: (a) the form of political regime (parliamentary or presidential, military or civilian, and authoritarian or democratic); (b) the processes by which authority is exercised in the management of a country's economic and social resources; and (c) the capacity of governments to design, formulate, and implement policies, and in general, to discharge government functions. The first aspect clearly falls outside the Bank's mandate. The Bank's focus is, therefore, on the second and third aspects (World Bank, 1992:58, note 1).

The Bank's initial conceptualisation of the state in its 1992 publication, Governance and Development, was very specific and could not be considered 'universal' or even a widely accepted one:

Even in societies that are highly market-oriented, only governments can provide two sorts of public goods: rules to make markets work efficiently and corrective interventions where there are market failures (World Bank, 1992:6).

This instrumentalist and functionalist notion of the state was elaborated by drawing on particular currents of North American political science, compatible with achieving a particular objective: the promotion of a specific form of development and prescribing the means to achieve this end. Hence the Bank's 1992 document on governance foresaw how 'mature institutional frameworks' should evolve (World Bank, 1992:7). Distancing itself from what it considered the errors of the 1970s, the 1992 document on governance presented a non-interventionist and minimalist role of the state:

Governments now increasingly recognize the need for more restraint and for taking 'market-friendly' steps to deal with problems (World Bank, 1992:6).

This conceptualisation reflected the neo-classical paradigm that was at the heart of Bank strategies and has influenced its thinking since its inception and especially since the beginning of the 1980s. To summarise, this approach sees markets and the private sector on the one hand, and the state on the other, as entities competing with each other to occupy the same spheres of economic activity. Hence the withdrawal of the state permits market forces to interact more freely with a view of creating an equilibrium between supply and demand, and in such a way as to send appropriate signals to the private sector so that it can take optimal decisions concerning production and investment. It is from this quite particular perspective that the idea of 'civil society' can be traced as somehow outside, distinct from, and even in opposition to the state. Although this is the conceptualisation in much of the current literature on governance, and notably that of the World Bank (World Bank, WDR 1999/2000:121-122), it should be noted that it is at odds with views which see the state as the product of social processes specific to particular societies. In the latter perspective, the state is seen as 'embedded' in society and as a reflection of particular historical trajectories.

Presented from an essentially technical perspective in terms of good management, the Bank's proposed institutional reforms are forwarded as applicable to a wide range of countries. Consequently, the particular conception of the state does not and cannot take account of the process of political, economic and social regulation specific to the historical trajectory of any particular country. Moreover, it is a notion which is put forward in abstraction of the existence of nation-states or of the issues arising from the question of national control over the development process, or the consequences for national cohesion or security of particular economic reform measures.
The essentially functionalist, instrumentalist and teleological notion of the state contained in the 1992 document, *Governance and Development* leads to the problematic idea that changes of an organisational and technical nature, will of themselves, lead to an improvement of 'efficiency'. That explains why there is a central emphasis placed on public service management; accountability; rule of law for development; information and transparency. The questions which naturally follow from this functionalist perspective are of course: 'governance' and 'capacity-building' for what? To what end? Defined by whom? The absence of answers to these questions which are masked by the emphasis on 'efficiency', just as the introduction of a particular and implicit notion of development underlying the recommendations of the multilateral financial institutions, reveal the political and ideological dimensions of the proposed reforms. As Beckman pointed out almost a decade ago, the reconfiguration of the state has among its objectives the introduction of political liberalism that is compatible with, and will facilitate, integration into the world market (Beckman, 1992). In this regard, the institutional reforms represent an attempt to find alternative bases of internal legitimacy, notably in answer to popular and national resistance to proposed economic reforms. To the extent that the latter challenged former patterns of the distribution of resources, structural adjustment measures contributed to a crisis in the political capacities of the state, a crisis which at the same time was a crisis of ideological hegemony namely – that of the legitimacy of the proposed reforms (Beckman, 1992:87).

**Proposing Alternative Bases of Legitimacy?**

If at the end of the 1980s emphasis was put on 'empowerment' and 'consensus building', in the early 1990s various organisations such as the OECD undertook studies on the 'political feasibility' of the reform measures, notably with reference to Morocco and Ivory Coast. But most central and as set out in the World Bank's 1992 publication on governance, was the notion of 'participation'. Yet the concept was defined in a very specific and rather narrow sense as the 'articulation of preferences or demand' (World Bank, 1992:22).

As observers such as Beckman had noted with regard to the notion of empowerment in the 1980s, the notion of participation was introduced to facilitate the smooth implementation of economic development strategies largely determined by the funding agencies themselves. For reasons that we shall see, this heritage excluded effective participation. By effective participation I mean the exercise of power with a view to participate in the conceptualisation or redefinition of the particular model of development introduced and the resulting strategies necessary to implement it. The Bank's notion of participation thus tended to refer to:

- a means by which to obtain local support and co-operation;
- a means to ensure popular legitimacy but legitimacy in favour of those who introduce rather than the legitimacy of those who opposed reform measures.

Where this approach is taken, the achievement of participation, with a view of creating some degree of consensus, may well take the form of an initiative from above or outside the community seeking to associate the local population to the projects destined to them. The World Bank's 1992 document on governance juxtaposed the notion of participation to that of competition, for participation, in the perspective of the Bank, is a necessary pre-condition to competition. This approach is rooted in a liberal pluralist vision of the exercise of power and a particular notion of democracy.
which has been described as ‘formal’ to the extent that it is based essentially on the rotation of political elites, the holding of elections and the existence of a multiparty system.

As I show below, because reforms of political and economic liberalisation were in certain cases introduced in the absence of constitutional reform and the existence of the rule of law, these measures have at times contributed to producing situations quite different from what was intended. For the introduction of a multiparty system in the absence of constitutional reform does not in itself, contribute to increasing the connection of citizens to decision-making processes. On the contrary, and as illustrated by the Ivorian experience, in the absence of the rule of law and constitutional reform, multiparty systems may well have the tendency to contribute to the deepening of cleavages between groups of different identities. This may be particularly the case in situations where political liberalism introduced multipartism, at least until very recently, in the absence of discussion of citizenship. Under such circumstances the tendency may well be to define citizenship on the basis of ancestry rather than residence.3

1997: The Reconfiguration of the Role of the State

In view of the careful avoidance of the ‘political dimensions’ of governance in the World Bank’s 1992 document, certain analysts were surprised to see the 1997 World Development Report completely devoted to The State in a Changing World (World Bank, 1997). Without entering into a detailed analysis here, it can be seen that while the Bank claimed simply to present a framework to increase the administrative capacity and efficiency of the state, the Report incorporated the same functionalist notion contained in the Bank’s earlier publications on governance – a very specific conception and one which has its origins in quite identifiable currents of North American thought.

Because the recommendations for redefining the role and functions of the state are presented as purely technical issues of efficiency, which allows proposals to be forwarded as universal, rather than reflecting particular values, the Bank’s view of the state did not (and cannot) take account of the particular historical and contemporary socio-political processes specific to any society.

Central to the 1997 World Bank document is that their interventions should contribute to creating an environment favourable to the free play of market forces and the promotion of private enterprise. To this end, what are defined as the economic functions of the state are clearly spelled out. On the other hand, its redistributive functions are subordinated to the state’s principal economic function which is the promotion of the private sector. Moreover, its redistributive role is seen to be conditional on its capacity to fulfil its primary economic functions.

The manner in which the state was reconceptualised, although presented as concerning essentially technical issues of efficient administration, gave rise to new normative frameworks with far reaching implications in the social and political spheres (Campbell, 2000). To summarise briefly, one may note the following:

1. The notion of ‘social equity’ no longer appears as an end in itself, even less a right, but rather as a means intended to permit and stabilise a particular economic project: the improvement of the performance and the efficiency of the private sector and maintaining the confidence of investors.
2. The notion of social justice is seen by one of the key architects of the 1997 World Development Report to be in evolution:

While economists traditionally approached these questions using a social welfare function, development economists have often taken a different tack, emphasizing 'basic needs'. But more recently, the focus has turned to 'opportunities'. Social justice should not be evaluated as much in terms of equality of outcomes as in terms of equality of opportunities (Stiglitz, 1997:78-79).

3. We are now in the presence of a process of the transnationalisation of norms which concern not only the economic, but also the social and political spheres. Not only has the locus of the production of norms shifted increasingly from the national to the multilateral level, but one may also trace a process of the shifting of boundaries between the public and the private spheres, often involving the subordination of national social rights to those of private economic interests;

4. The transnationalisation of norms takes place however, in the absence of minimum standards. In striking contrast to the binding and obligatory rules that result from the World Trade Organisation's commercial negotiations or the conditionality agreements which the World Bank and the IMF have negotiated with numerous countries, there are absolutely no minimal norms concerning equity, poverty or social justice;

5. Multilateral financial institutions recommended that priority be given to institutional reforms proposed by these same agencies. This contrasts with organisations like Social Watch that has suggested improvements with social spending in areas such as health and education for the sectors of the population with the lowest incomes. Such spending would be considered wasteful if not preceded by recommended institutional reforms according to studies by those responsible for poverty issues at the World Bank.

The above five points briefly point to the far-reaching concrete social and political implications of the emergence of new normative frameworks that appear to be accompanying the proposals for institutional reforms, governance and the redefinition of the role of the state as put forward by the BWI.

1999/2000 Recasting Political Regimes

While the 1997 World Development Report addressed the question of the redefinition of the role of the state, the 1999-2000 Report Entering the 21st Century pursued the scope of governance. Chapter 5 of the report formulates in the language of good administrative and fiscal management, the argument in favour of a process of decentralisation. That entails quite specific forms of political regimes and rests on a particular conceptualisation of politics, liberal pluralism, of participation and ultimately of what constitutes democratic citizenship.

The primary objective of decentralisation, is justified on the experience of the last 15 years (World Bank, 1999:107). It is a strategy to promote the devolution of powers that formerly rested with central governments and their transfer to regional or local echelons which the document defines as 'subnational'.

The methodological framework permitting to choose the most appropriate measures to be adopted in order to implement decentralisation is presented in terms of good
management. The detailed discussions concerning the issues arising from the implementation of decentralisation whether these concern the role of fiscal transfers between levels of government (World Bank, 1999:117) or the control of debts of sub-national governments, are formulated strictly in terms of the lessons of good fiscal administration.

Hence the role of the central government is formulated in terms of ‘its responsibility for the stability of the financial system’ (World Bank, 1999:118). This emphasis rests on a notion that politics is the site of the management of resources, rather than a site of access to power and to the decision-making processes with a view of elaborating or determining a collective project for society. The political importance of decentralised governance is nonetheless clearly recognised:

Successful decentralisation improves the efficiency and responsiveness of the public sector while accommodating potentially explosive political forces (World Bank, 1999:107).

The distribution of powers, the role and functions of public institutions and electoral rules are in fact spelled out in such a way as to entail quite specific forms of regimes:

Rules should be explicit, stable and self-enforcing. But how should a country decide what their substance should be? The answer involves three broad areas of analysis: the division of national power between national and subnational governments; the structure, functions and resources assigned to subnational governments; and the electoral rules and other political institutions that bind local politicians to their constituents (World Bank, 1999:112).

Consequently, the proposal for decentralised governance which is to be implemented through the introduction of new rules, procedures, and the creation of structures and institutions implies a quite specific notion of the political sphere and of the desirable forms of participation.

Several elements are worth underlining. The first is that the application of economic approaches to the field of politics results in the authors of the Report considering the political sphere as a market. Decentralisation is presented as a particularly useful instrument in situations of conflict because it provides ‘... an institutional mechanism for bringing opposition groups into a formal, rule-bound bargaining process’ (World Bank, 1999:107-108).

Moreover ‘decentralisation can create competition among local governments to better satisfy citizens’ needs’ (World Bank, 1999:108-109). Yet the notion of interest groups, which is at the centre of pluralist perspectives, seems to have been redefined and narrowed. There is a clear wariness with regard to interest groups and electoral systems that encourage them, like proportional voting systems. In order to ward off specialised interest groups, the notion seems to have been redefined to coincide with a territorial or geographical basis. To the extent that political stability is seen to be tributary to establishing an equilibrium between ‘local’ and ‘central’ interest groups, by extension, pressure from groups which are situated other than at these levels of government or the relations of power foreseen by the rules of decentralised governance, could well risk being assimilated to destabilising forces: ‘Effective governance requires stable coalitions and an executive with reasonably strong and clear powers’ (World Bank, 1999:121).

*Entering the 21st Century* seems to view decentralised governance as a tool of political management. Yet if implemented its proposals might contribute to a gradual
distancing from a liberal and pluralist model based on the principle of participation, in
favour of a more authoritarian view inspired by a technocratic ideal. The proposal for
decentralised governance – which no doubt in practice would give rise to quite
different results than appear on paper – signals an interesting moment in the thinking
of the BWI concerning the conditions favourable to the social and political
stabilisation of the societies and regimes where governance reforms are introduced.

First, the concept of decentralised governance which is put forward as an essentially
technical term and as having universal validity, contains in fact a particular notion of
the state and political practices. Political processes are reduced to processes of
technical management. The result appears to be an attempt to depoliticise political
issues which has the effect of potentially denying the legitimacy of a whole range of
political objectives.

Second, with the introduction of the notion of decentralised governance, it is
suggested that the emphasis of ‘development’ should be shifted away from the role of
states and markets in favour of ‘processes, rules and institution building’, thus
viewing political processes in terms of good management:

Structural aspects (of development) focus on the need for good governance, transparent
decision-making, efficient legal and judicial processes and sound regulatory systems. This
identification of rules and processes as a critical foundation for sustained development adds
a new dimension to mainstream development thinking (World Bank, 1999:3).

Third, what is striking in this proposal is the attempt to approach development issues
not only in the absence of discussion of the role of the state, but without reference
either to social groups or social movements.

Finally, the project which aims at the gradual pairing down of national states (World
Bank, 1999:9) may well have considerable implications for notions of social and
economic rights as we have known them in the past and hence the possibility of
citizens laying claims on their governments. Among the reasons for this is the fact that
the services and infrastructures which formerly were the responsibility of national
governments, including water, sanitation, roads, telephones, electricity and housing,
are to be transferred to local levels and where possible, to be privatised (World Bank,
1999:10).

Each of these areas of social amenities, which in the past were considered public
goods, are areas where new rules and procedures proposed by decentralised
governance imply new legal frameworks. These potentially transform in a restrictive
manner the conditions of access, and the possibility of defending rights that in the past
guaranteed these services and made the protection of such rights an obligation.
Ultimately what seems to be at stake is a process of redefining rights and
responsibilities of citizens – the very notion of democratic citizenship.

Political Transition in Côte d'Ivoire

Côte d'Ivoire offers a particularly interesting illustration of the structural adjustment
experience of an African country. Having played the role of ‘model student’ during
the first half of the 1980s, it became the example not to be followed by the end of the
same decade (Campbell, 1997c). Paradoxically, the orientation of proposed reforms
had not changed. Moreover, by the end of the 1990s, two decades of adjustment were
to end with a coup d'état which failed to usher in a renewal of past forms of political
regulation based on new compromises or broader coalitions. On the contrary, and after a year of political transition, the problem of broadly based political legitimacy remained unresolved and the country very seriously divided.

At the time of the 24 December 1999 coup, widespread opinion both inside and outside Côte d'Ivoire agreed with the interpretation that under the leadership of former President Konan Bédié the country appeared headed for civil war. In this context, General Robert Guéi's 'épreuve de force' was seen by many as a step that might prevent the situation from worsening. By 22 October 2000 presidential elections however, quite the opposite interpretation seemed the case. It was the latter's attempt to remain in power which appeared as the immediate, although partial explanation for bringing the country once again to the brink of civil strife. The holding of the legislative elections on 10 December under the threat of secession of the northern region, as a result of the disqualification of one of the country's potential leaders, left the country more fractured than it has ever been before.

Those who followed the events during the first twelve months of political transition were no doubt struck as much by the volatility of the situation as by the inadequacy of traditional political analysis to account for the turn of events. For rather than being led by identifiable political leaders, the political situation was on several occasions completely turned around by political forces and pressures coming from below. This was clearly the case at the time of the December coup, as it was when General Guéi attempted to hold onto power when he had in fact been defeated in the October 2000 election.

The locus of political power appears at least in part and under certain circumstances to have clearly shifted out of the traditional arenas. Those who officially hold political office seem incapable of bringing political solutions to the critical situation facing the country. However, this phenomenon seems largely unaccounted for, or at least unaccounted for in any systematic manner. Moreover, other factors which shape political space and which condition the transition process, namely the policies of bilateral actors and multilateral agencies, appear surprisingly absent in available accounts.

With the benefit of hindsight, a revisiting of the Ivoirian adjustment process helps contextualise the current situation. It permits drawing attention to certain shortcomings of the last twenty years of structural adjustment – shortcomings that may be shown to have implications for the present. In this regard, past policies and analyses which attributed the responsibility for slow growth to poor internal policies in spite of deteriorating terms of trade (World Bank, 1994:30 and 166) yet continued to recommend further liberalisation, neglected to take into account the complexity of the conditions for reform. Notably, they failed to consider the interaction between the choice of these policies, international prices, market forces and the external environment on the one hand, and the internal political constraints of the adjustment process on the other. The analyses of the BWI systematically neglected the historical links specific to the Ivoirian experience, between the interventions of the state, the operation of markets, the patterns of social and political redistribution, and the modes of economic growth. They failed to take into consideration the implications of prolonging a system of selective social, political and economic redistribution. As a result, they ignored the conditions necessary to construct new coalitions – even though such coalitions are indispensable for the success and durability of the reforms which external lenders themselves, wished to see implemented.
While underlining the complexity of the processes at hand, and without presenting any particular set of factors as determinant in explaining the diverse set of events that shaped a period of political transition, it is useful to contextualise the Ivoirian experience within the framework of the reform process that has characterised the country over the last decades.

### Structural Adjustment as Political Process: the Boigny-Bédié Legacy

The Ivoirian adjustment experience has always been an eminently political process. It has shaped and continues to condition the choice of development strategies open to the country and the means by which these are to be implemented in the domestic sphere, as well as the place which the country occupies on the world market. Ultimately, through these strategies, it has conditioned the possibility of the prolonging or redefining particular kinds of social, political and economic regulation specific to Côte d’Ivoire.9

In this regard, there appears to have been an interesting correspondence during the first two decades of adjustment. That was between on the one hand, the nature of the liberalisation process and on the other, the capacity of those in power to short-circuit particular measures and in this way to prolong existing forms of political and economic management.

This would explain the success of the strategies for maintaining power on the part of the dominant alliances until the 1999 coup. That power was maintained in spite of the persistence of patterns of the redistribution of economic resources which appeared incompatible with the objective of economic renewal and financial reform, and in spite of the announcement of the broadening of the political arena from 1990.

Over time however, the insistence on the part of multilateral financial institutions for further liberalisation of strongholds of the former Bédié ruling faction, and notably the circuits of selective redistribution provided by institutions like the Caisse de Stabilisation et de Soutien des Prix des Produits Agricoles (the country’s key marketing board), represented an increasingly direct challenge to the past forms of social, political and economic regulation. The growing constraints imposed by the BWI on those in power were undoubtedly important factors which permit contextualising the ‘derive autoritaire’ and growing repression in Côte d’Ivoire which led to the military uprising in December 1999.

The dilemma for those in power until their overthrow in 1999 was that if they respected the reforms recommended by the BWI, they would have been denied precious resources which were critical for political regulation, notably those of the Caisse. If they did not respect these reforms, they risked the withdrawal of resources that were essential to economic recovery. Moreover, it was indeed the constraints arising from the particular form of the regulation of political power that prevented the spontaneous emergence of new political compromises (Losch, 1997).

The apparent impossibility of reconciling these contradictory imperatives and the awareness of this impossibility, are important elements in explaining why the political leadership of the Bédié regime was so extremely intolerant of any form of opposition.10 This intolerance ensured that the former ruling class was unwilling, and increasingly unable, to forward new mechanisms of social and political regulation that would necessarily have entailed a renewed pattern of the redistribution of resources – and consequently would also have challenged the political basis of the regime.
Although the intransigence of the Bédié government ushered in its overthrow, the contradictory imperatives behind its intransigence remained in place after its fall. Moreover, as we shall see, the legacy of the dilapidation of public funds by the former regime was to make the challenges of transition all the more difficult.

With the death of Côte d'Ivoire's first President, Houphouet-Boigny in late 1993, after over 30 years of power, the country's leadership was passed on to the latter's constitutional heir, Henri Konan Bédié. In spite of the apparent stability of the first Republic, the 'dérangement politique', which characterises contemporary Côte d'Ivoire, can be interpreted, as a belated manifestation of the pressures built up during the years of solitary rule of the country's first President (Losch, 2000:206). The alliance with French colonial interests in the 1950s, the elimination of opponents after 1958, the instituting of a single party régime in 1960, the arbitrary use of disgrace and rehabilitation (Diarra, 1997), are at the heart of a 'logic de cour' which made impossible the emergence of debates concerning alternative forms of government and the future of the country. Until 1990, Ivoirian political life was essentially characterised by in-fighting aimed at conquering or consolidating positions of power within the ruling party, the Parti démocratique de la Côte d'Ivoire (PDCI). The latter served as the 'passage obligé' in order to hold public office, be it a high rank within the civil service or in a state owned company. Moreover, the struggle for succession to the presidential seat began as early as 1980 (Losch, 2000:207). Bédié's coming to power to complete Houphouet-Boigny's mandate (1993-1995) and his continuation in office subsequent to the election that year, did nothing to break with the former political logic – quite the contrary. In this regard, there was a certain degree of incredulity in October 1995 when former President Bédié decided that in order to win that year's elections convincingly, he would be attributed an inflated 95 per cent majority. His victory was not in doubt in any case because the electoral code had been modified to exclude the only realistic opponent, former Prime Minister Alassane Ouattara by disqualifying him on the ground of supposed 'non-Ivoirité'.

As Losch (2000:208-9) notes:

*The President's lack of political legitimacy which was linked to the absence of electoral competition in the 1995 poll – due to Ouattara's first exclusion and the opposition's boycott – the challenge presented by liberalisation to the economic basis of political power, led to the regime's ideological escapism into ethnonationalism. The choice made to focus political debate on the theme of 'Ivoirité' which implied a retreat into notions of identity, considerably narrowed the possibility of rising to the height of the new challenges* (my translation).

Before tracing how the heritage of the theme of 'Ivoirité' came to occupy centre stage during the period of transition (*Politique africaine, 2000*), it is important to refer briefly to other characteristics of the period preceding the 1999 coup.

The amendments which had been made to the Constitution and to the electoral law during the Bédié period were not the only signs pointing to the absence of 'the rule of law'. In the face of popular indignation, the former régime did not hesitate to bring in new legislation forbidding unauthorised public meetings. As resistance grew, repression was used in an attempt to compensate for the absence of political legitimacy and control. During the last months of the Bédié régime, arrests were made of members of A. Ouattara's party, the Rassemblement des Républicains (RDR), including its Secretary General, Henriette Dagri Diabaté and four elected members of National Assembly. The manner in which trials were conducted, the resulting imprisonments and the constant increase in political repression provoked interna-
tional condemnation of the régime, and led both France and the United States to express concern over the state of democracy in Côte d'Ivoire (EIU, 1st quarter, 2000:12).

With regard to the lack of economic transparency, while the origins of this heritage are deeply rooted, practices in this area were clearly perpetuated during the Bédié régime. Two examples may be given by way of illustration. Since the Presidency of Houphouet-Boigny, not only was the management of public accounts characterised by a striking lack of transparency, but the National Assembly exercised no budgetary control over these accounts. In fact, a decree signed in 1967 by the President (decree no. 67-575 ) dated 15 December 1967, reinterpreted the law no. 59-249 of 31 December 1959 (a new article 12 ) by which the Minister of Economy and Finance became the single agent responsible for the State's operations budget. The 1967 decree not only modified the nomenclature of the public accounts, but it also authorised the transfer of deficits resulting from the misappropriation of these accounts, to the balance of State's Budget Général de Fonctionnement (BGF). The Minister of the Economy and Finance alone could decide whether the expenses incurred outside the budget by the government and hence by President Houphouet-Boigny, could be considered as unexpected expenses and hence covered by the BGF. The Minister of Finance at the time, who had assumed his functions in 1966 when the decree did not yet exist, was the candidate to succeed President Boigny in 1994, Henri Konan Bédié.

The capacity to prolong practices which kept critically important circuits of public finance outside of budgetary control, was one of the most central characteristics during the first twenty years of the Ivoirian adjustment experience. In view of the manner in which the political system operated, it was not only economic but also tight political constraints that conditioned the adjustment experience from the beginning. If one accepts the hypothesis that the nature of adjustment was compatible with the prolonging of a specific mode of political and economic regulation based on selective redistribution, this contributes to explaining in a more satisfactory manner the 'lateness' or the 'failure' (Chamley, 1991) of Ivoirian adjustment. It also accounts for certain characteristics specific to this process which have all too often been described as distortions, dysfunctions, or pathologies. As an example, one could cite the case of the selectivity with which austerity reforms were introduced over the first 15 years of adjustment. This was done in such a way as to leave unbudgeted certain key institutions in the complex circuits of Ivoirian public finances (the Caisse de Stabilisation et de Soutien des Prix des Produits Agricoles (Caistab), the Caisse Nationale de Prévoyance Sociale, the Caisse de Péréquation, etc.) or the 'non-transparency' to use Demery's term in his 1994 study of Côte d'Ivoire for the World Bank, as he described the manner in which thirty or so privatisations of public enterprises were undertaken between 1987 and 1989 (Demery, 1994).11

Moreover, with regard to the circumventing of the measures ostensibly introduced to reduce the role of the public sector:

As Faure and Contamin have so persuasively argued, ... there was in fact a convenient coincidence between the need to reduce the scope of state patronage and a political agenda aimed at redistributing the opportunities which remained whilst renewing presidential power. This did not mean that the President was slavishly following a World Bank agenda; on the contrary, as a close analysis of the fate of the reforms during the 1980s shows, the President in fact spent the decade evading or circumventing the logic of the structural adjustment programmes.
... Many of the parastatals which were supposed to be abolished under the restructuring programme in fact survived through reintegration into the public service as EPN (Etats publics nationaux) (Fauré and Contamin, 1990:37; Crook, 1995:14-15).

These illustrations seem to underline the importance of internal constraints, as well as the possibility of side-stepping certain reforms during the 1980s. They consequently help explain the prolonging of a particular mode of political and economic regulation. These issues are central characteristics of the Ivoirian adjustment experience and reveal its eminently political nature.

The issue of the lack of economic transparency brings us to the concern of critical financial constraints facing those who had the responsibility of leading the country through transition. The legacy of the Caisse de Stabilisation is a good case in point.

Although the World Bank had called for better budgetary control of the Caisse for many years, this did not happen until after almost two decades of adjustment. By that time, the Caisse's funds had been exhausted.

From the time of the country's independence (1960), the Caisse which had been created by the French colonial administration in the 1950s, played a central role both in establishing producer prices and acting as the intermediary in the marketing of major export commodities. The fabulous surpluses from the rich coffee and cocoa sectors which, for the period 1975-1989 generated revenues estimated at over 2000 billion CFA francs, supplied what had come to be called the former régime's 'caisses noires'. It was only in the 1990s and notably, at the end of 1995, that increasingly stringent reform of this institution was put forward as a condition of access to a $15 million structural adjustment loan for the agricultural sector. By that date, it had become clear that the BWI would no longer tolerate such a lack of transparency considered incompatible with the objectives of the subsequent (1994-97) and (1998-2001) structural adjustment loans. Consequently, after two years of tight negotiations, the 'filière café' was finally liberalised in October 1998, and the marketing of cocoa liberalised in August 1999. The Caisse itself was dissolved by a decree on 20 January 1999 and replaced the same year by the Nouvelle Caistab whose role was limited to simply registering contracts and supplying information for the sector.

The Caistab (Losch, 1999) was only the tip of the iceberg concerning the managing of public resources which was extended to other cases. It played a pivotal role in this post-colonial rent economy driven by export crop production, characterised by a highly asymmetrical mode of social, political and economic regulation in which the state acted as the locus and agent in a pattern of selective redistribution. The latter however, bore little relation with the sphere of production and has been described as disconnected from it. This type of process had numerous characteristics but central among them was a pattern of income distribution which had little bearing with either production or productivity. This characteristic was made possible in large part through the existence of multiple sources of parallel accumulation or coulage in the shadow of the state and to the benefit of those who in principle were there to serve it. In view of the generalised nature of the haemorrhaging of public funds, the pervasive nature of such practices was a secret to no one and consequently could hardly have been unknown to the country's principal bilateral and multilateral creditors over the twenty years of adjustment until the 1999 coup d'état.
Accompanying the legacy of divisive strategies elaborated and formalised at the end of the 1990s around the notion of 'Ivoirité', the heritage of the Houphouet-Boigny and Bédié régimes was the absence of financial and political transparency, of popular legitimacy and of the rule of law. These absences contributed to the downfall of the regimes that had historically been characterised by the BWI and others as stable and economically prosperous.

The Period of Political Transition

It is important now to reflect on the compatibility between the nature of the institutional reforms recommended by the IFI's and the economic constraints resulting from their policies, and the conditions necessary to permit the broadening of political participation during the transition period. In view of what I have noted about the former régime, the broadening of political participation was crucial to permit the emergence of new social and political compromises and a widening of political power. Two different types of understanding appear to have been at work regarding political and economic liberalisation in the transition period that took place during 2000.

For the multilateral agencies, the central issue at hand during the transition period was prompt economic redress in the short term. Consequently, for these agencies the evaluation of the credibility of the transitional government's performance rested on issues such as:

- the rapid reimbursement to the various creditors of the country's outstanding debt, without supplementary delays or new possibilities of rescheduling;
- the rapid redress of the current deficit;
- the clearing of the deficit of public accounts;
- the continued privatisation of services and companies which formerly were part of the public sector;
- the reform of the civil service, etc.

For the Ivoirian population and political parties however, the period of political transition was viewed as a period of critical passage towards more broadly based political legitimacy. This was to be achieved through presidential and legislative elections with a view of returning a constitutionally elected Assembly to power. It is particularly important to analyse the compatibility of these two different perspectives by examining how debates were formulated, how they evolved and the context in which the events took place.

With regard to its creditors, the transitional government found itself in a most unenviable situation. When General Guéi came to power, the state coffers were empty. Moreover, in an attempt to establish good relations with its international creditors, the transitional government reversed its decision of 13 January 2000 to suspend reimbursements which it had initially announced as necessary in order to pay the salaries of civil servants and the military. With an external debt estimated in 1998 at $14.7 billion, the country was faced with a debt service ratio of 28.3 per cent. By September 2000, the Ivoirian external debt was estimated as representing 132 per cent of the GDP. While this situation is similar to that of certain other African countries,
what was unique was the severity of the Ivoirian public accounts deficit, initially estimated at $844 million, but subsequently re-evaluated as much higher by the Minister of Finance of the transitional government. In this context and further to the IMF's February 2000 mission, multilateral lenders decided that expenses which had previously been projected for the year 2000 for the Bédié régime, were too high and they imposed an even lower ceiling to public spending. Furthermore, the IMF refused to release the second tranche of the Enhanced Structural Adjustment Facility (ESAF) which was due in March 1999. This resulted in the country not being eligible for the Highly Indebted Poor Countries (HIPC) initiative that allowed for more favourable treatment in Paris Club negotiations. Finally, it should be noted that the country's principal bilateral creditors (France, the United States, and Canada) all suspended their aid during the transition period, as did the European Union further to allegations of the misuse of funds by the former Bédié régime. A summary of the situation provided by a British source reads almost as an understatement: 'The transitional government without doubt has inherited an economic crisis' (EIU, 1st quarter, 2000:14).

For the Ivoirian population, the transition period represented a critical moment that was to permit the enactment of a new constitution, the holding of elections and the re-establishment of a democratically elected National Assembly, suspended in December 1999. Popular expectations vis-à-vis the transitional government, the Comité national de salut public (CNSP) were, extremely high. It is important to summarise several of the key characteristics of the transitional period. Briefly, the debates leading up to the referendum which approved the Constitution, took on a quite particular form in which political parties and leaders played a very active role mediating the transitional institutional mechanisms – sometimes to the point of reversing their decisions. Responsibility for the preparation of the new Constitution was attributed by the CNSP to the Commission consultative constitutionnelle et électorale (CCCE) in February 2000. The text was to be prepared by the Sous-commission constitutionnelle.

Of the numerous issues which could potentially have been the object of public debate, including the possibility of introducing a bicameral legislature, changing the age limit of the President, or lowering the voting age, one theme dominated all discussions: the criteria of eligibility to stand for the presidency. The debate here focused on a more or less restrictive interpretation concerning the obligation that both or only one of the candidate's parents be recognised as Ivoirian. After having come out on 27 April in favour of a more inclusive interpretation as contained in Article 35 of the proposal by which either the father or the mother of the candidate need be Ivoirian, General Guéi switched to side with a more restrictive formulation (both parents needed to be Ivoirian). It was shortly after this that rumours began to circulate that General Guéi would himself be a candidate to the presidency. First, however, the proposed new Constitution containing the more restrictive clause concerning presidential candidates was approved during the 23 July referendum. While there are various explanations of the course of events they have been interpreted widely as representing a strategy to exclude from the leadership race once again, a key political figure, A. Ouattara, the leader of the Rassemblement des Républicains (RDR). His parental heritage is in part Burkanibé.

More generally, the tenure of constitutional debates during this period was characterised by intense electoral competition between different parties and leaders, the object being to gain access to the presidency. Consequently, the different positions
taken during the debates over constitutional matters, whether concerning the eligibility of candidates to the presidency or the issue of the distribution of ‘carte d’identité’ appeared often as the expression of electoral competition in which it became difficult to distinguish ideological differences from political tactics.

Beyond their electoral character which clearly translated an intense struggle for power, transition period debates focused essentially on the means by which resources could be channelled for reconstruction rather than the desirable outcome of this process. Two examples in this regard are quite striking of a broader phenomenon. In late April 2000, the transition government’s Minister of Youth and Sports, General Mathias Doué announced that in the future, his policies would rest on three priorities: communication, transparency and accountability. In view of the absence of public funds, he favoured:

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\text{developing a new partnership between the state and the private sector in which the latter would progressively take the relay in the financing and promotion of sports, while the State would limit itself to instituting the regulatory framework and providing the necessary incentives (Boni, 2000:1 and 12; my translation).}
\]

That declaration was important for the extension of the language of good management of public affairs and a call for the privatisation of responsibilities which formerly rested with the state, then also applied to other social and economic issues such as social exclusion and poverty. For, according to the same source, ‘The eradication of the phenomenon of street children is among the expected results of this reform because’, continued the General, ‘we do not want any more begging’ (Boni, 2000:12).

It is feared however, that the absence of necessary resources, and the difficulty to promote political manoeuvrability with popular scrutiny over decisions concerning issues as deeply rooted as the origins of children begging and poverty, will influence the type of solutions put forward and the nature of state interventions adopted to implement them. This might well amount to using the language of good governance in an attempt to make the symptoms of deep social problems disappear notably, by introducing repressive measures, rather than attempting to deal with the origins of such issues which are as critical as they are complex.

Throughout the transition period, in spite of mounting social difficulties, multilateral financial institutions maintained policies of extreme austerity while calling for good governance and budgetary discipline. According to a press release of AFP dated 8 September 2000, further to its meeting on 12 July, the Board of Governors of the IMF made public the following communiqué concerning the situation in Côte d’Ivoire:

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\text{The members [of the Board] strongly regret the accumulation of arrears (on debt) and underlined the need to normalise relations with creditors as quickly as possible.}
\]

\[
\text{The IMF has at present suspended advancing a second tranche of a loan destined for structural adjustment and granted in March 1998. The Board of Governors ‘noted with preoccupation that the economic and financial situation in Côte d’Ivoire had considerably deteriorated in a climate of political and social tension.’}
\]

\[
\text{The IMF regretted in particular the important loss of control over the introduction of policies, notably in the area of governance and budgetary discipline (AFP, 8 September 2000; my translation).}\]
\]
A second, quite different example also serves to illustrate the apparent narrowing of the political space or the 'informalisation' (Gombay, 1999:151) of political issues which appears to result from the attempt to treat these as essentially technical matters. It concerns the critical issue of Ivoirian identity or the notion of citizenship.

During the constitutional debates, it came as a surprise to certain observers that the leader of the Front populaire ivoirien, Laurent Gbagbo, whose party is linked to the French socialist party (PS), sided with President Guéi in adopting a restrictive notion of citizenship (and potentially a very politically divisive one), as illustrated by the criteria for candidates to the presidency. Gbagbo sided with President Guéi in endorsing the new Constitution during the July referendum rather than calling for a boycott (Libération, 26 September 2000:14).

More generally, the FPI’s (Front Populaire Ivoirien’s) position on issues of citizenship and immigration during the transition was summarised in an interview with Gbagbo. Responding to a question in which he was asked whether immigration was a chance or a handicap, the leader of the FPI who came to power after the presidential elections of 22 October, replied:

> As in all countries which have had immigrants, it is first a chance and today, it is a handicap. We are going to create an office of immigration which will have a technical role for it is not a problem which concerns politicians (‘un problème politique’). First, in order to know precisely the proportion of foreigners in our population: 26 per cent, 35 per cent or 40 per cent? (sic). Whatever the answer, their number is very important, therefore they must be managed (il faut les gérer).

> Those who wish to become Ivoirians should be shown clearly the way to proceed. The others must have a ‘carte de séjour’ drawn up under transparent conditions which do not presently exist. Fraud concerning ‘carte d’identité’ must be avoided. I am for a ten year ‘carte de séjour’ in order to solve the problem (Libération, 26 September 2000:14; my translation).

That position was in striking contrast to the much more inclusive approach to national identity based on cultural diversity found in the FPT’s political programme published in 1998 and prefaced by Laurent Gbagbo (FPI, 1998: 84-85).

The issue at stake here is not the partisan one of comparing the particular position taken by any party on a particular question. The pressing more general question which must be asked is why there has occurred such a drastic narrowing of political space and why such a specific and restrictive pattern of political transition emerged? How can one explain the narrowing of political channels or places for debate beyond those essentially devoted to electoral competition and a managerialist approach to political process? How can one explain the process of the informalisation of politics, of pushing politics on to the streets or underground?

Far from wanting to suggest that there are simple answers to these questions, this article has attempted to suggest the need to bring in other dimensions specific to the Ivoirian political heritage. While these are multiple and include the impact of the country’s continuing strong political, military and economic ties with France, throughout the post independence period, and the country’s position in the region, what has been emphasised here, is the importance of contextualising the evolution of this particular heritage in the light of the process of structural adjustment and particularly of institutional reform which characterised the country over the last twenty years.
In this regard, the manner in which the reform process has been conceptualised by the BWI over the last decade, namely in terms of a technical approach aimed at improving efficiency, contributed to reducing the possibilities for a renewal of public debate permitting the emergence of a badly needed consensus around common values and strategies. This has clearly stood in the way of the reappropriation of debates concerning the objectives of the reform process itself. In turn, the emphasis on electoral competition hampered the possibility for the renewal of the social and political compromises and coalitions constructed around the notion of common interests and the broadening of the social and political basis of power. A process of fracturing was the result: At the end of the period of transition, northerners have never been as distant from southerners, 'foreigners' from 'nationals'.

More precisely, the notion of political process put forward by multilateral financial institutions as being synonymous with multiparty electoral competition, and the essentially functionalist and instrumentalist notion of the state, introduced the problematic idea that organisational changes of an institutional nature would of themselves improve efficiency and the performance of government. In this context, political processes are reduced to technical administrative procedures. This results from an attempt to 'depoliticise' political processes, which denies the legitimacy of a wide range of political objectives, notably government initiatives to promote redistribution, social equity, national unity and to advance human rights, including economic and social rights of their citizens. For as Coussy (1994:238) suggests:

*The assertion that there exist 'indisputable' norms which flow inevitably from economic theory, is the principal rhetorical method used by foreign advisers to dispossess states of that which explains the very essence of political power (that is, their capacity to undertake negotiations and to propose compromises depending on the objectives pursued and existing relations of power (my translation).*

**Conclusion**

This account of political transition in Côte d'Ivoire has illustrated that in the context of the narrowing of political space, the debates around constitutional reforms appeared to have been formulated in terms of strategies of electoral competition instead of the reconstruction of political links and coalitions around a common political project. The adoption and reinforcement, throughout the transition, of positions that renewed with the past, although understandable in terms of the legacy of the logic of the reproduction of power, and the narrowness of the corridor of transition, contributed to making the situation increasingly unstable and volatile.

In view of the country's political heritage, it is difficult to see how the holding of elections of any kind, could contribute to creating greater social cohesion and to the reinvention of a common political space or project. There is the impression of the lack of correspondence between the proposed institutional reforms, which were formulated essentially in technical terms of good management, and the country's pressing need to re-establish a government based on broadened political legitimacy, to reintroduce a situation of the rule of law, to reinvent links permitting social and political cohesion on a national basis in order to elaborate a project to rebuild society and reset the economy on new foundations.

These are complex issues which must be approached with considerable modesty. However, their complexity must not be used as a smokescreen to hide the need for careful analysis. The apparent absence of political solutions to the current crisis, just
as the lack of correspondence between the nature of the reforms proposed by the BWI and the challenges entailed in reinventing political space, raise critical issues. These concern the ambiguity of the positioning of the multilateral financial institutions as they attempt to manage processes as complex as economic and institutional reforms from abroad, by attempting to reduce the analysis of historically determined social and political trajectories to questions of simple administrative procedures, presented as universally valid. Above all, and as the turn of events and the violence which has accompanied them indicate, these issues bring us to the central point: the lack of political responsibility on the part of these institutions for the measures which they propose and for the political processes of which they are a part.

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**Endnotes**

1. This point is developed in B. Campbell, 'Quelques enjeux conceptuels, idéologiques et politiques autour de la notion de gouvernance', in Bonne Gouvernance et Développement, Institut Africain pour la Démocratie, Dakar, 1997, pp. 65-94.

2. OECD. In the Preface of La faisabilité politique de l’ajustement en Côte d’Ivoire et au Maroc, OECD, March 1994 (p. 4), one may read:

   *Such a delay (concerning the study of the political consequences of adjustment) is all the more paradoxical in view of the fact that in several cases, governments have had to delay programmes or modify them because of the turmoil caused by certain stabilisation measures. ... Consequently (concludes the Preface) the study will certainly be of interest to those concerned with reconciling adjustment with social and political stability in developing countries* (my translation).

3. These issues are developed by Karuti Kanyinga in ‘Subjects of the State: Citizenship and Governance in Eastern and Southern Africa’. Paper commissioned for the International Development Research Center Consultative Meeting on Governance, 7-9 September, Ottawa (unpublished).


7. Such a view is in striking contrast with one which gives priority to responsibility for the well being of the state’s citizens.

8. In these elections which gave an overriding majority of seats to the FPI, a minority to the PDCI and in which the RDR refused to participate, 29 of the 32 northern electoral districts boycotted the electoral process completely. According to the preliminary figures of the Commission nationale électorale, participation would seem to have been around 34%. *Le Devoir*, Montreal, 12 December 2000. Source: AFP.

10. According the Economist Intelligence Unit, as of 1995, at least 20 opposition journalists had been imprisoned for offending the President of Côte d'Ivoire; several rivals had been removed from political life on the dubious grounds that their parentage was not ‘pure’ Ivorian and at all levels of Ivorian life, opponents were under threat. These trends were to increase considerably over the following years. The London based human rights group Amnesty International had challenged the former government over its intolerant stance which it alleged, had put more than 200 opposition supporters behind bars within a year as of September 1995. The same source continues:

*Whatever the cause of Mr. Konan Bédié’s behavior may be, he seems determined to build himself a cast-iron edifice of political security, even if it costs Côte d’Ivoire its relatively good reputation for democratic and human rights* (EIU, Country Report, 3rd quarter, 1996:4).

11. A. Ouattara had been Houphouet-Boigny’s Prime Minister from 1990 to the latter’s death in 1993.

12. On this issue in particular and more generally for an analysis of political transition in Côte d’Ivoire, more extensive analysis may be found in the special issue ‘Côte d’Ivoire, la tentation ethnonationaliste’, *Politique Africaine*, no. 78, Karthala, Paris, July 2000.


14. ‘Public enterprise reform changed gear in the 1987-91 period, with greater emphasis placed on divestiture, and not simply on restructuring. Between 1987 and 1989 almost 30 public enterprises were privatised. Several divestiture techniques were used, usually involving direct negotiations with potential buyers. These privatisations were conducted with little transparency, and little strategic study was pursued prior to privatisation. In short, the privatizations were not well managed’, Lionel Demery: ‘Côte d’Ivoire: fettered adjustment’ in *Adjustment in Africa*, Vol. 2, Lessons from Country Case Studies, U. Husain et R. Faruqee (eds.), World Bank, 1994, pp. 101-102. When the privatisation of Energie Electrique de la Côte d’Ivoire took place in November 1990 and the Compagnie Ivoirienne d’ Électricité was created in which 51 per cent of shares were to go to SAUR, a subsidiary of Bouygues, it would appear that certain members of the government sub-committee responsible for privatisations were directly involved in the purchase of shares via certain investment committees. This incident suggested to certain British observers the existence of an ‘old boy network’ actively in place in the distribution of shares and goods which had previously belonged to the public sector (EIU, Country Report, no. 4, 1991:14-15).

15. In its attempts to press the government to disengage from the Caisse, the World Bank had produced a review of Ivorian agriculture in February 1995, in which it reported that measured in French francs, planters’ earnings had fallen in real terms, even though in absolute terms they might have increased by a total of over 50 billion CFA. Between 1970 and 1988, it added that the Caistab had accumulated CFA Fr. 2.3 trillion, mainly through export taxation. However, the Caisse’s board had proved incapable of guaranteeing producers prices or of doing anything to prevent rural impoverishment when world agricultural prices were low, as they were between 1987 and 1993 (EIU, Country Report, 2nd quarter 1995:15).

16. The agreement reached in July 1995 was only reported in late August. It was expected to lead to supplementary loans from France ($60 million) and Germany ($20 million) in support of the reform (EIU, 4th quarter, 1995:15).

17. The audit undertaken by Arthur Andersen at the request of the BWI revealed the extent to which the funds of the Caisse had been dilapidated during its final years. In 1997, the Caisse declared a profit of 10.3 billion CFA francs but the auditors suggest that the figure was 71.2 billion. For the first four months of 1999, the Caisse declared a deficit of 3 billion CFA francs while the auditors put forward a profit of 23.5 billion (*Jeune Afrique*, 14-20 December 1999:80-81).

18. For an excellent up to date account of the role of the Caistab which is resituated in a broader historical analysis of the political economy of Côte d’Ivoire, see: Bruno Losch, ‘Le complexe café-cacao de la Côte d’Ivoire. Une relecture de la trajectoire ivoirienne’ (2 volumes). Doctoral dissertation. Faculté des Sciences économiques, Université de Montpellier, 1999.

20. In the months following the coup, in the context of the visits organised by President Guéi, the Ivorian press revealed the state of advancement of the Herculean construction projects undertaken by former President Bédié in his native village, Daoukro, in 1997, in the very middle of the country’s financial crisis and estimated the cost at approximately one hundred billion CFA francs. The press also underlined the size of the home of the former Minister of the Economy and Finance, Niamien N’Goran at Pépressou, *Fraternité Matin*, Abidjan, no. 10653, 29-30 April - IMay 2000:2.

21. According to another source, by the end of August there existed ‘... a situation of quasi-state bankruptcy (a deficit of back payments and unrecorded commitments of 500 billion CFA Francs, superior to the operating budget)’ (my translation); François-Régis Mahieu, ‘Une indépendance économique pour la Côte d’Ivoire?’, *Le Monde*, 25 August 2000:V. To this must be added the situation created by falling export receipts during the transitional period.

22. The same communiqué notes that the absence of a programme supported by the Fund has as well, contributed to the fall in foreign aid and that the economic situation has also been affected negatively by a deterioration in the terms of trade.

23. One possible interpretation of the FPI’s position rests on electoral considerations which suggest that, just as for General Guéi, approval of the new Constitution would exclude A. Ouattara, the leader of the RDR from the presidential race.

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Human Rights & Development in Africa: Moral Intrusion or Empowering Opportunity?

Giles Mohan & Jeremy Holland

Throughout the 1990s the debates about human rights and development have increasingly converged. The article asks whether the emerging human rights-based approach to development, honed in the period of revisionist neo-liberalism, can deliver meaningful improvements to the African crisis. It begins by outlining the evolution of the rights-based development agenda in order to understand how the present agenda is defined. The next section examines the theoretical underpinnings of the current rights-based development agenda and summarises two recent reports which place such concerns at their centre. From there we examine the implementation of rights-based procedures in Africa and assess the moral and practical implications of the rights agenda for Africa. We conclude by arguing that the emphasis on economic and developmental rights should be welcomed, because it raises the possibility of cementing the right to a decent standard of living. However, the potential exists for the rights-based agenda to be used as a new form of conditionality which usurps national sovereignty and by handing the responsibility for defending rights to authoritarian states the process does little to challenge the power structures which may have precipitated rights abuses in the first place. Finally, the emphasis on universal rights, as defined through largely western experiences, limits the relevance of rights to local circumstances and thereby effects another form of Eurocentric violence which seeks to normalise a self-serving social vision. Hence, only by embedding discussions of rights in the locally meaningful struggles that confront impoverished Africans and by promoting broader and direct participation which, crucially, promotes self-determination can a rights agenda more thoroughly promote African development.

Introduction

human rights are not, as has sometimes been argued, a reward of development. Rather, they are critical to achieving it (UNDP, 2000:iii).

human rights in the 1990s, to a greater extent than ever before, set a norm that regulates the relationship between state and society (Sano, 2000:741).

For many people living in the South, international human rights are understood increasingly as a set of values that support the expansion of global capital, exploitation and control (Evans, 1997:92).
Throughout the 1990s the debates about human rights and development have increasingly converged. Previously, much of the debate around and practice of human rights was confined to the ‘first generation’ of human rights regarding personal or private rights; sometimes referred to as political rights. These are essentially ‘negative’ rights in that a person’s freedom should be protected from the actions of other individuals, groups or the state. The struggle has been to enshrine these principles in law, such as a bill of rights, so that a person has the legal means with which to defend their freedom. Such bourgeois ideals grew out of the American and French revolutions of the 18th century as well as the liberalism of the Enlightenment. Subsequently, demands have been made for more positive human rights regarding broader social justice, such as labour rights, and tangible welfare benefits, such as housing and health care. Such rights, sometimes referred to as economic, social and cultural (ESC) rights, are more socially-defined, in that they carry an obligation for society-as-a-whole to ensure a minimum level of well-being for all. Clearly, the two sets of rights may be incompatible, especially for those who see well-being guaranteed through atomistic self-interest as opposed to communal or humanistic principles which emphasise equality. So, the rights arena has been forged out of competing political struggles in specific social and historical circumstances (Shivji, 1999).

Alongside these issues, the major development agencies have pursued a broad anti-poverty agenda, albeit one that is increasingly driven by a neo-liberal market logic. In the post-war period, the international human rights process, led largely by the United Nations, has sought to promote the indivisibility of political rights and economic, social and cultural rights. Since the early 1980s, the adjustment era has seen most third world countries disciplined via debt conditionality with an emphasis on market-based development. This reduced the scope of the state which has been actively reformed to support marketisation. However, the impacts on poverty have been questionable so that some development agencies began to re-assert the need for welfare protection and a more active role for the state.

It is here that the rights agenda has become more mainstream, because it places obligations on the state, amongst other actors, to ensure a minimum level of well-being for all. This differs from the ‘Basic Needs’ of the 1970s, because the poor are encouraged to participate in defining and securing their welfare needs rather than being passive recipients of aid. As DFID (2000:1) asserts, human rights ‘provide a means of empowering all people to make decisions about their own lives rather than being the passive objects of choices made on their own behalf’. Two related issues arise here. First, is that multilateral and bilateral donor interventions have often usurped sovereignty through debt leverage, so will an emphasis on universal human rights be used as another means of deepening control over developing countries? Second, do the twin discourses of market hegemony and the universality of human rights involve an implicit erasure of cultural specificity and the denial of non-market alternatives to development?

So, given that the human rights agenda has important implications for democracy and sovereignty, and that the donors are championing ‘rights-based development’ (RBD), it seems appropriate to discuss these in an issue on governance in Africa. In this article we want to explore the question of whether the emerging human rights-based approach to development, honed in the period of revisionist neo-liberalism, can
deliver meaningful improvements to the African crisis. This article begins by outlining briefly the evolution of the rights-based development agenda from its Enlightenment roots to the present day in order to understand how the present agenda is defined. This has seen the emphasis expand from a personal and civil focus to an international and ‘developmental’ one. The next section examines the theoretical underpinnings of the current rights-based development agenda and goes on to summarise two recent reports which place such concerns at their centre. From there we give an overview of the state of play of implementing rights-based procedures in Africa, as a whole, and in individual African countries. The next section assesses the moral and practical implications of the rights agenda for Africa and assesses both the opportunities and threats it presents. We conclude by suggesting the possible future for rights work in Africa and the research agenda attached to it.

**Evolution of the Rights-based Development Agenda**

The struggles for rights are rooted in the Enlightenment and the emergence of citizenship. This saw the weakening of the monarch-subject relation and the movement away from particular to universal values. The emphasis was on the individual within society which fed into the ascendant liberal philosophy of western politics. The French and American revolutions of the 18th century saw rights enshrined in constitutional and legal terms, the most important being the American Bill of Rights of 1791. These civil and political rights primarily benefited the bourgeoisie and protected them from over-bearing state interference on the one hand and the popular participation that a genuine commitment to social equality requires on the other. Hence, as Ake (1987:6) notes ‘(T)he idea of human rights really came into its own as a tool for opposing democracy’. Subsequent rights were more socially and economically oriented and related to the welfare agenda of the 20th century whereby the working class could expect a minimum level of protection. The most recent phases of rights have focussed on international solidarity through a social movements-led agenda around such issues as the environment and development. Some have argued (Bobbio, 1996), that we are entering a further phase of genetic rights concerning the integrity of our basic biological identities. The first two phases in the evolution of the rights agenda were largely confined to western democracies and concerned the relationship between the individual and the state. With the growth of international governance, more third world perspectives are being recognised (though not always incorporated into it) which is re-shaping the relationship between the individual and the global political order (Sano, 2000). Ake (1987) notes that with this evolution, the human rights agenda has become a little more relevant to the needs of Africans.

Early debates around development and rights revolved around the political rights of people in colonised countries pushing for independence. In Africa, as Mamdani (1996) has shown, citizenship originally applied to the urban areas where expatriate whites were free to pursue and receive a relatively wide range of civic rights denied to the colonised. Some of these rights gradually spread to the African urban elites, but the rural areas were purposefully divided along and governed by customary laws. It is this ‘bifurcated state’ structure, with its distinction between ‘rights’ and ‘customs’ and the association of rights with colonially-derived privileges, that has led to scepticism and apathy by many Africans towards the promises of the ‘rights agenda’ (Penna and Campbell, 1998).
Milestones in Rights-based Development

- American Bill of Rights (1791)
- UN Declaration on Human Rights (1948)
- Declaration on the Right to Development (1986)
- Vienna Conference on Human Rights (1993)
- Copenhagen Conference on Social Development (1995)
- DFID’s Human Rights for Poor People (2000)

The latter phases in the evolution of rights cover the post-war period and begin with the 1948 UN Declaration of Universal Human Rights which enshrined the principles of universality, inalienability and indivisibility of rights. Subsequent Conventions and regional Commissions extended these principles into more areas of social, political, cultural and economic life. The early goals of the Human Rights movement were drawn out of the horrific experiences of World War Two and sought to counter the particularistic and exclusionary racial hierarchy that underpinned Nazism (Shivji, 1999). Such challenges to racially-based discrimination chimed with the demands of anti-colonial struggles in the third world so that the human rights agenda was supported by these, soon to be, independent states.

Despite the rapid waning of American interest in the rights agenda (Evans, 1995), the debates were hijacked during the cold war and used as a means of castigating Communism and justifying political, financial and military support for governments who upheld ‘proper’ rights (Slater, 1993; Evans, 1997). Not surprisingly, this ideologically-charged period saw the continued separation of ‘political’ from ‘economic’ rights with the former taking precedence in this global battle over ‘ways of life’. For newly independent African countries, the priority was development so that abstract debates about rights had little relevance to this cohort of modernisers who used centralised mechanisms to push through grandiose development plans. The result was that the developmental and human rights discourses tended to evolve separately. More importantly, perhaps, was the conflict that emerged over the question of ‘self-determination’ (Shivji, 1999). Initially, the right to self-determination was to be all-encompassing and was clearly an antidote to imperialism in all its guises. However, during negotiations in the mid-1960s over two key Covenants, the interpretation of political self-determination was reduced to the eradication of formal colonisation (or colonial-type rule such as apartheid) while economic self-determination was equated with the demands for fairer trade relations and adequate foreign aid.

The thawing of the cold war and the ending of apartheid saw a renewed interest in human rights with people emerging from repressive political structures and demanding economic development alongside political freedoms. Such an environment was ripe for the rights-based development agenda whose institutional architecture had been developing piecemeal for the previous forty years. Sengupta (2000) believes that a consensus now exists over the value of human rights and even suggests that it represents, somewhat ominously, another element in the ‘end of history’.
The rights-based development agenda has risen to prominence in parallel with the emergence of social development notions of participation and entitlements that challenged the 'technical fix' development paradigm of the 1950s and 1960s and the delivery of basic needs in the 1970s. The adoption of the 1986 UN Right to Development signalled a unification of the civil and political rights with economic, social and cultural rights and a growing political consensus that was strengthened through subsequent declarations on Environment and Development (Rio), Population and development (Cairo), Social Development (Copenhagen) and the Platform for Action of the World Conference on Women at Beijing (Sengupta, 2000). The perceived indivisibility of rights became increasingly clearly articulated in the development discourse, as illustrated by the language adopted during the fiftieth anniversary of the Universal Declaration in December 1998 and captured in the phrase ‘All Human Rights for All’ (Maxwell, 1999).

**Theoretical Underpinnings of Rights-based Development**

*The developmentalists are seeking to reformulate their concerns in the language of rights, while the human rights advocates are taking on board developmental issues without which, they recognise rights-talk can have little meaning to, and legitimacy with the vast majority of the people in the poor countries of the South (Shivji, 1999:262).*

The current approach to RBD is iterative and evolutionary in that it learns from and builds upon previous approaches. The move towards RBD has evolved out of the coming together of two strands of development theory and practice which had previously been treated as discrete. On the one hand are human development approaches based around dynamic understandings of poverty and, on the other, human rights approaches based around questions of governance, participation and citizenship.

**Dynamic Approaches to Human Development**

In recent years, income or commodity-centred conceptions of well-being have been challenged by multifaceted measurements of poverty, such as that underlying the basic needs approach of the early 1980s. Most importantly, from the 1980s, Amartya Sen (1997) conceptualised poverty in terms of human capabilities – (resources that give people the capability to be and to act) – and entitlements (the set of alternative commodity bundles that a person can acquire in any given societal context). By so doing he posed fundamental questions about the quality of life beyond the possession of commodities; the latter having only 'derivative and varying relevance'. Speaking to these debates have been discussions of vulnerability. This is a more dynamic concept concerning the changing experiences in socioeconomic status relating to survival, exposure to risk, defencelessness and self-respect. Accordingly, vulnerability captures some of the multidimensional, dynamic and structural aspects of poverty: 'Vulnerability denotes not simple lack or want, but defencelessness, insecurity and exposure to shock or stress' (Chambers, 1989:1). Whilst vulnerability is not a concept that has been rigorously theorised, or for which generally accepted indicators exist, there are a growing number of conceptual frameworks for analysing vulnerability, including Moser (1998) and Bebbington (1999) and the livelihoods analysis frameworks of DFID (Scoones, 1998). These frameworks link entitlements to resources and emphasise the structures, institutions and processes that mediate individual, household and community-level access to a range of assets. The result has
been a politisation of the vulnerability discourse, with analytical space created for tackling the policy environment and policy making institutions.

Institutions, Governance & Participation

This emphasis on institutional processes links directly with debates around governance and participation (Mohan and Stokke, 2000). The key to RBD is that it attaches political rights and responsibilities to fundamental aspects of human needs and well-being. Gaventa and Valderrama (1999) usefully draw out this entwining of different interpretations of governance and participation. They see two traditions; one driven by community participation and the other by political participation.

The community focused participation is well documented (Chambers, 1983; 1997) and grew out of the realisation that formal state-based development programmes had yielded limited benefits. Since the 1970s, the acceptance of participation has become widespread, but at its base is a belief that development energies lie outside of the state and are built from local knowledge. It relies on relatively closed and homogenising notions of community where participation in decision-making is direct and unmediated by representatives. Political participation, on the other hand, has focused on more formal engagement with the state by individuals or organised groups and parties. These political processes tend to be less direct than community participation and involve elections, lobbying, advocacy and the day-to-day interaction with the local state. The good governance agenda of the 1990s (Leftwich, 1994; Rhodes, 1997) focused centrally on this level of participation.

Gaventa and Valderrama (1999) argue that local governance can benefit from the coming together of these two traditions through 'citizenship participation' which involves 'the direct intervention of social agents in public activities' (Cunill, 1997:77) and has seen renewed interest in decentralisation and political culture. Democratic decentralisation has been a perennial tool in development planning since independence, but it holds an important place in RBD, because for the majority of the poor the state is the local state (Mamdani, 1996; Migdal, 1994) and it is where most citizenship claims will be contested. On the other hand questions of political culture have been re-awakened through debates around social capital. As the World Bank (1997:114) notes local institutions 'are valuable not only for their ability to meet basic needs, but also for the role they play in building trust and a sense of public connectedness among those excluded or alienated from the formal political process'. So, 'there is thought to be a synergistic relationship between the emergence of strong civil society and social capital formation' (McIlwaine, 1998:418).

The Policy Content of Rights-based Development

So far we have traced the emergence of RBD and discussed the theoretical ideas underpinning it and the political arrangements believed to be necessary to achieve it. The emergence of RBD discourse from its intellectual origins in poverty analysis and participation has created an operational space for an absorption of the rights agenda within the neo-liberal policy frameworks. This is most clearly demonstrated in the transition from the policy analysis in the World Bank's World Development Reports of 1990 and the 2000/01. Both WDRs took poverty as their theme, but while the 1990 WDR emphasised labour intensive growth combined with investment in human capital, the WDR 2000/01 signalled a shift in policy analysis towards a concern with 'empowerment' through enhanced political participation of poor people in tackling institutional 'dysfunctionalities'. Even as the ideological climate continues to frame
policy imperatives of market provision of goods and services and the attendant erosion of the state's redistributive function, the neo-liberal establishment has successfully repositioned itself with respect to the rights-based agenda by championing accountability, transparency and the role of citizen participation in demanding their rights.

In this section, we look in more detail at the actual policy agenda attached to RBD. We have structured this around different scales and roles for convenience, which reflects a logical division of labour between institutional levels although there are clearly inter-linkages between these scales and levels. At the root of RBD is a liberal belief that development is a matter of personal choice and effort, but that this is tempered by the prevailing social and political conditions. It also adds a strong action-orientation, in that people now have a claim or entitlement on other people and institutions which, if it is socially-accepted or legally-defined, gives people a minimum level of expected well-being. The DFID Report (2000) stresses this 'obligation' as a key feature of the new framework which takes us well beyond basic needs approaches which were passive and treated the poor as helpless victims. It also provides limits on the damage that individuals should be allowed to bear as a result of externalities generated by other activities, no matter how valuable these activities appear to be.

As we would expect, the key documents are replete with lessons and action items, or in the UNDP's vocabulary 'bold new approaches'. Underpinning DFID's policy agenda is a triumvariate of core principles - participation, inclusion and obligation. These involve (2000:3):

- **Participation**: enabling people to claim their human rights through the promotion of the rights of all citizens to participation in, and information relating to, the decision-making processes which affect their lives. They acknowledge that action needs to go 'beyond and above local-level processes of consultation ... (and) ... linking poor people's perspectives with national and international policy processes' (2000:19);

- **Inclusion**: building socially inclusive societies through development which promotes all human rights for all people and encourages everyone to fulfill their duty to the community;

- **Obligation**: strengthening state policies and institutions to ensure that obligations to protect and promote all human rights are fulfilled.

Overlying these principles are policy items which map onto different political institutions and scales. These can be summarised thus:

**International**

The RBD approach takes into account the globalisation of the world economy whereby the actions of states beyond their borders is factored into any consideration of rights. At the international level there is a need for commitment, co-operation and co-ordination. The international organisations must be committed across the board to enshrining a RBD approach in their operations. At present, some institutions such as the ILO, UNICEF and UNDP have a strong record of incorporating human rights into project design, but others are less stringent on this, so the challenge remains to bring all institutions in line and up to speed. Practical measures for assisting policy-makers to mainstream RBD revolve around the understanding and measurement of the current state of human rights so that much is made of benchmarking and data
collection. Another recommendation regards global governance more generally. In response to an ongoing critique of the internal democracy of the major institutions the UNDP report argues that ‘all countries – small and weak – have a voice in decisions’ (2000:85). International civil society also has a key role in advocacy, monitoring, and consumer pressure. Civil society has generally been the motive force behind human rights legislation and its role must continue although this is to be in collaboration with states, international organisations, and corporations which may further erode the ‘independence’ of civil society.

After building RBD into project design, the next challenge remains monitoring and enforcement of rights abuses. The UNDP are careful to stress that strengthening the rights-based approach in development co-operation must be ‘without conditionality’. The emphasis now is on ‘transparent and open’ economic policy formulation which confers ‘ownership’ on the implementing country and where the final decision rests with elected officials. There is a recognition that economic actors have a role to play in promoting RBD. The UNDP (2000:ii) begins its report by arguing that ‘Rights makes human beings better economic actors’ so that a vibrant economy, while not guaranteeing human rights, is a requisite. The Report goes on to suggest ways in which economic growth can be balanced with respect for rights. Corporations should not use their wealth for unfair lobbying and should apply codes of conduct in all their operations while states should promote an enabling economic environment which is pro-rights. The DFID (2000) makes similar points, but acknowledges that ‘(I)t has proved equally difficult to hold transnational corporations themselves legally accountable for alleged human rights violations’ (14) although voluntary codes might be a solution.

National

The key role in RBD is given over to the state. The UNDP is at pains to stress that such work must go beyond legislation and actively embed the importance of rights in all social norms. The DFID adds that states are not homogenous entities so that different branches of the state must also show commitment, co-operation and collaboration. The branch which has received most attention is the judiciary since it is an impartial and accessible judiciary which can enforce human rights. Such judicial reforms sit alongside those other elements of good governance which have become accepted elements of policy reform such as increasing bureaucratic accountability and transparency and the holding of competitive elections. However, the practice of democracy must be ‘inclusive’ and go ‘beyond elections’ and include minorities and permit an active civil society and free press.

Locally

At the local level the emphasis is on participation, decentralisation and the strengthening of civil society to be more rights-oriented. The onus for this falls on the state to provide

a legal framework that protects the right to participation ... the need for continual reform to adapt to changing circumstances ... put in place decision-making processes that are transparent and open to dialogue, especially with poor people and poor communities (UNDP, 2000:65, 67 & 78).

On the other hand civil society must remain vigilant of rights abuses and act as the independent monitor. So, for civil society and NGOs, the emphasis has changed
somewhat. The gradual move away from output-based approaches to more process-based ones saw the emphasis shift to capacity building of local NGOs and civil society organisations. With RBD, this has continued, but altered somewhat to enable people to use their rights to ensure their well-being. So NGOs became involved in legal and political literacy, and civic leadership (Fowler, 2000).

Implementing Rights-based Development in Africa

In this section we outline the implementation of the rights-based development agenda in Africa as it currently stands. This is important in order to understand the problems facing African countries in realising a ‘universal’ project and as a baseline against which to assess the desirability and prospects for achieving these goals. A key tension in the rights debates in Africa has been over the timing, balance and importance of political rights on the one hand and ESC rights on the other. Some see democracy as a prerequisite for any meaningful development, which raises questions about whether there are particularly African human rights and consequently a specific African democracy (Maluwa, 1997). Others stress that under extreme poverty and marginalisation, it is economic and social rights which are more important, and that the operation of imperialism has contributed to this underdevelopment. As Shivji (1999:260) notes:

This is a dilemma which expresses itself in the dichotomy between the so-called social/economic rights and political/civil rights on the one hand, and various attempts to reconcile the tension by reconceptualising the jurisprudence of rights, on the other.

The rights-based development approach contends that such a dichotomy is not useful, because only if people are empowered to determine their genuine needs will development occur. This, they contend, simultaneously promotes sustainable democracy and well-being.

The formal rights framework in Africa centres on the 1981 African Charter on Human and Peoples’ Rights which came into force in 1987 alongside the establishment of The African Commission of the same name, which is itself a product of the Organisation of African Unity (OAU) (Murray, 2000). As with all regional Charters, it is derived from the 1948 Universal Declaration, but takes into account the African experience which saw a greater emphasis on economic, cultural and social rights; that is, those which pertain directly to material well-being or ‘development’ (Maxwell, 1999; Sano, 2000). In keeping with the OAU’s beliefs and, more importantly, the tenets of international law, the Charter and Commission have to recognise the primacy of individual states. As we shall see, debates over the limitations of state-centric legal discourses have been paramount given the weak record of accountability of African states and other diverse socio-political entities that co-exist within and alongside formally recognised states.

One of the key elements of the African approach to human rights has been to recognise the particularity of Africa’s experiences within a discourse which stresses the universality of human values. African debates stress the role of ‘tradition’, colonialism and imperialism in shaping the constitution and realisation of human rights (An-Na’im, 1999a). For example, the African Charter on Human and Peoples’ Rights seeks to ‘eradicate all forms of colonialism from Africa … (while taking into consideration) … the values of African civilization’ (Murray, 2000:203). Independence marked, in theory at least, the most important conferral of rights in that people became genuine citizens and that their countries were accorded international
sovereignty. Clearly, the post-independence record of state decay and neo-imperialism have shown the limitations of these visions as the mass of Africans have been denied, through no fault of their own, some basic aspects of human dignity and social welfare.

A key problem with human rights legislation is that under international law, only states are recognised as having ‘personality'; that is they are the only formally recognised legal bodies. So, any human rights legislation must be embedded within national political and judicial structures. At present the formal policy frameworks for realising RBD are uneven. It needs re-emphasising that much of the RBD agenda is iterative and evolutionary and builds upon the good governance and participatory approaches that have become widespread over the past decade. Hence, many of the policy discourses and the institutional architecture already exist. For example, bureaucratic accountability and responsiveness are key elements in RBD, but have clearly been on the agenda for a while. Similarly, gender equality as a central tenet of RBD has been contested since the 1970s. However, current policy stresses certain political and institutional innovations.

Some are part of the general human rights processes led by the United Nations. Since the mid-1960s there have been various Conventions covering discrimination against key groups (race, gender and children) and protection from torture. Countries sign up to these which indicates a willingness to enshrine these principles in law. The UNDP (2000) reviewed the coverage of these signatories which shows that some African countries, such as Cameroon and Zambia, have signed and ratified all of the Conventions whereas Ghana has only signed up to the Conventions covering racial and gender discrimination while Nigeria has signed up to all except that covering torture and degrading treatment. Other policy channels are largely constitutional and involve statements in the constitution or in a separate Bills of Rights. Maluwa (1997) notes that in Southern Africa, Botswana, Namibia, South Africa and Malawi have fully-fledged Bills of Rights. Most countries’ constitutions include some recognition of fundamental human rights based, to a large extent, in European and American constitutional practice. These see a separation of legislative and judicial branches of the state and include various mechanisms for protecting political freedoms such as freedom of speech and habeas corpus. However, as An-Na’im (1999b:43) notes: ‘None of the countries surveyed provide full-fledged constitutional protection for economic, social and cultural (ESC) rights’, although, crucially, there is no country in the world which does so. A more recent addition, in the wake of South Africa’s Truth and Reconciliation Commission has been the establishment of national Human Rights Commissions to monitor the implementation of human rights legislation and disseminate information on abuses and best practice. Clearly, recognition at the Convention, Commission and Treaty level only stipulates what a state should do and is not a good indication of what it actually does.

The record of human rights protection in Africa, in general, and the work of the Commission, in particular, has been mixed. We do not have the space for a detailed account of these experiences (see Murray, 2000), but some pertinent points, drawn largely from An Na’im (1999b), are worth making. The first problem is the degree to which African countries respect constitutionalism. Many have made important steps in this regard, but often fail to promote economic, social and cultural rights and, more importantly, have a range of means to suspend the constitution. Some of these are legal, such as during States of Emergency or through ‘claw back clauses’, while others are less obvious and range from the selection of judges through to outright
intimidation. A second problem relates to the recognition of customary law within the formal legal system. Despite claiming to recognise Africa's uniqueness and diversity, and hence the legitimacy of its customary legal practices, these can conflict with universal principles or are simply not taken seriously by constitutional lawyers (in part because they are not codified). In practice, customary law usually gives way to statutory or common law. A third set of problems relate to the judiciary and legal profession. Training is often poor, selection can be politically motivated, and regimes tend to circumscribe the independence of the legal profession. A fourth set of problems relate to the international organisations which support human rights promotion on the ground. The African Commission is rather elitist, lacks clear reporting structures, and has unclear authority to enforce decisions or condemn violations of human rights (Murray, 2000). Similarly, many of the international NGOs which have been major supporters of human rights causes operate in elitist ways (for example, organising urban-based workshops for lawyers) and tend to impose, through funding conditionality, their own agendas on local NGOs.

The Paradoxes of Rights-based Development in Africa

The implementation of the rights-based development agenda within the context of existing structures of African political economy raises a number of important questions for the future of this project. In this section we highlight some major tensions and contradictions arising out of the articulation of a universal political ideal and the realities of territorial states and embedded cultural practices.

Sovereignty, Conditionality & Modernity

An overarching set of criticisms relates to the broader agenda of RBD and its relationships to modernity and western imperialism. Turner (1993) argues that modernisation involves a progressive move from particularism ('tribe', community, ethnicity etc) to universalism and secularism. In this sense, citizenship represents a significant dimension of modernity whereby it initially related to membership of the city-state and later to membership of a nation-state. A possible danger of this reading is that citizenship, as with modernity, becomes equated with the suppression of difference and, hence, open to totalising or exclusionary practices.

Furedi (1997) takes development back to the colonial period and the intertwining discourses of stewardship and civilisation which legitimised a 'moral intrusion' such that 'The right of the West to intervene has become a moral imperative' (87). Since then all manner of interventions have ensued leading to the present situation of 'western proprietorship of human rights' (Penna and Campbell, 1998:7). As with any discourse, the human rights discourse is based on symbols which confer meaning, but as Penna and Campbell (1998:9) note: 'In human rights discourse, the majority of positive symbolism used is western'. A key element of the evolution of rights thinking is to treat African (and other 'non-western') experiences as lacking any relevance for 'universal' values, thus effecting a form of Eurocentrism which, as we discuss below, can become an ideological hammer in the face of cultural difference.

Evans (1997) focuses centrally on the paradoxes of universal human rights discourses and sovereignty. He argues that rights are usually discussed in legal or philosophical terms which can mask political and economic interests. He argues that universal human rights are 'imposed' because they offer a 'coherent claim to authority over the sovereign state' (91) and 'represent a further attempt to forge new structures of
colonial dominance' (92). In this sense human rights might become a new form of conditionality in dealings between the multilateral institutions and recipient countries. Tensions along these lines were clearly visible at the Rio Earth Summit where Southern delegates felt constrained by western governments bent on protecting their own environment and economic growth while disciplining Southern countries into restrictive environmental codes. Similarly, at the Vienna Human Rights Conference a year later, 'some Asian countries questioned external criticism of their human rights records; in particular, they showed their resentment at having imposed on them a set of values based on western traditions' (Potter et al. 1999:129).

The recent UNDP report (2000:30) is clearly aware of this issue, but is adamant about such responses:

There is a tension ...(B)etween national sovereignty and the international community's monitoring of human rights within countries ... Many people still see the promotion of human rights for some groups ... as a threat to their own values or interests. This divisiveness in values breeds opposition to human rights for all.

The implication seems to be that any country that is sceptical about the application of universal human rights may well be using this as a defence mechanism for the pursuance of human rights abuses. However, the blanket refusal to countenance detractors from a universal HR approach, does smack of 'moral intrusion', and, more importantly, makes it difficult to differentiate between a legitimate and illegitimate rejection of universalistic rights. The emphasis on developing regional human rights codes, such as the African Charter, seems one 'best fit' solution which balances universality with politico-cultural specificity.

Universalism, Cultural Relativity & Community
Hence, a key problem is the tension between a universal set of values and a multiplicity of embedded local practices (Nagengast and Turner, 1997; Penna and Campbell, 1998). Debates have arisen around the use and abuse of both 'universalism' and 'tradition' since both are tied to distinct social and political visions. As we have seen, the universalist argument can conceal western hegemonic aspirations. On the other hand, the discourse of traditionalism has been used by unscrupulous regimes and/or local people to resist external scrutiny and persist with inhumane behaviour. In Africa, this tension has been brought to the fore over such matters as female genital mutilation (Penna and Campbell, 1998) and the relationship between customary law and common law whereby the latter usually prevails (Murray, 2000).

One of the sources of these problems is in the philosophical inheritance of the rights discourse. We saw that the dominant conception of human rights and development are based on liberal individualism arising out of The Enlightenment. However, the alternative to liberalism is some form of communitarianism which sees rights shaped by and accountable to a collective (von Lieres, 1999). Talking of Africa, Ake notes '(O)ur people still think largely in terms of collective rights and express their commitment to it constantly in their behaviour' (1987:5). It is, in part, this recognition that the African Charter contains the notion of 'peoples' although Murray (2000) has discussed the problems of defining and delimiting 'peoples' and with it the whole notion of cultures as bounded and identifiable entities.

The African Charter, like the OAU, upholds the sanctity and integrity of colonially-created states, comprised of a multiplicity of 'nations'. However, in recognising
'peoples', the African Charter creates tensions over self-determination. The first difficulty is that there is no clear definition of what constitutes a 'people'. It is used to refer to the population of a state, although a people is not the state itself, but it can be something other than the entire population of the state (Murray, 2000). For example, the African Commission has recognised the Katangese of Congo and the Casamance of Senegal as peoples. The second problem is in interpreting the legitimacy of peoples' rights. If a people feel oppressed by the state, how can they press for self-determination within the fixity of a territorial nation-state? Again, this tension has not been resolved and the rights discourse in Africa does not countenance full-blown secession, preferring instead solutions such as participation, decentralisation, federalism, and proportional ethnic representation. Indeed, most RBD champions such conflict-reducing solutions which retain a state-based logic, such as the UNDP's idea of 'inclusive democracy' (UNDP, 2000).

The State, Democracy & Accountability

The discussion of freedom and justice at the universal, national, community and individual levels raises further questions about the state. As we have seen, despite the international proclamation of universality, the institutions which oversee international law are relatively weak. This means that the onus for defending human rights claims falls largely on states (An-Na'īm, 1999a). So, while various multi-levelled mechanisms exist, or have been proposed, the quality of rights depends upon the nature of the state in which the rights' claimant exists.

In the African context this clearly creates major problems in using a state-centred rights framework for securing development and justice. As An-Na'īm (1999b:22) observes '(A)frikan societies appear to regard the post-colonial state with profound mistrust and have no sense of ownership of it nor expectation of protection or service from it'. Such a problem is compounded when the state is simultaneously the perpetrator of rights' abuses and the institution through which grievances should be aired and addressed. In most cases, then, the state in Africa remains a significant generator of human rights abuses as well as holding the key to their protection. For example, the recent report from Human Rights Watch showed that while many regimes have established Human Rights Commissions in order to secure donor support they are largely ineffective and turn a blind eye to rights abuses (The Guardian, 23 February 2001). However, states can initiate more positive action as An-Na'īm's (1999b) contrasting discussions of Nigeria and South Africa highlight.

The Nigerian state has been a flagrant abuser of human rights. The Constitution contains wide-ranging derogation (the ability to suspend or repeal) clauses which cover most human rights while much of the Constitution was suspended during the Abacha regime by declaring a state of emergency. Additionally, the state has suppressed Shari'a law which can only be tolerated where it is compatible with the Constitution. There has also been highly flexible and wide-scale abuse of military tribunals which are outside the common law. The poor pay of judges has resulted in them extorting money from litigants in order to get a case to court while human rights lawyers have been stigmatised and threatened by the state authorities. While far from perfect, South Africa has been cited as having an innovative and purposeful approach to human rights. Not only has South Africa passed a Bill of Rights and set up the Truth and Reconciliation Commission, but it has gone furthest in providing constitutional protection for economic, social and cultural rights. For example, customary law has been made expressly subject to the non-discrimination provisions of the constitution.
although the implementation of this remains to be contested. South Africa has also
attempted to increase access to the legal system through a re-structuring of the courts
to handle special jurisdictions such as labour and juvenile cases. They have also been
at the forefront of experimenting with low-cost delivery of legal services through
such mechanisms as para-legal extension.

A further, and more general, problem associated with an overly legalistic and state-
centred view of rights is that certain human rights abuses fall outside of the state’s
purview and authority. Again, this relates to the origin of rights whereby they relate
to the ‘civil’ or ‘public’ domain which, implicitly, meant the political space of men
(Assiter, 1999). The private realm fell outside of this discourse yet it has consistently
been the site of some of the worst human rights abuses. Clearly, domestic violence
against women and the abuse of children are the most significant, yet they hold an
ambiguous place in the human rights legislation. Since 1970, the existence of CEDAW
(The Convention on the Elimination of All Forms of Discrimination Against Women)
provides a commitment to breaching the public-private divide, yet its forceful
application in legal systems has been hampered by the feeling that Western feminists
have hijacked gender and development issues on behalf of ‘universal sisterhood’
which only serves to silence and marginalise the voices of third world women
(Mohanty, 1997). Additionally, as expected, national legal processes, dominated by
elite men, have tended to stifle gender legislation in the name of its ‘un-Africaness’.

The over-reliance on the legal system in securing rights has seen the opening up of
supplementary practices. Maxwell (1999) highlights four of these which are echoed in
the major documents from DFID and UNDP. First, monitoring at international,
national and local levels can help create a culture of compliance. Second, publicity
and advocacy help create political structures and policy changes in support of rights.
Third, accountability can be created administratively by specifying delivery
standards through such things as Citizen’s Charters. Finally, as the DFID were at
pains to stress, rights-based approaches can be encouraged by broadening participa-
tion and giving more people a ‘stake’ in social decision-making.

Globalisation, Liberalisation & Structural Underdevelopment

A key debate revolves around the distinction between political and economic rights.
These issues have been pre-figured in such debates as those concerning the
‘developmental state’ (Leftwich, 1994) which stresses that economic growth can only
be achieved through the suppression of rights, the quashing of civil society and the
denial of democracy. On the other hand, the ‘good governance’ agenda, much like the
rights agenda, argues that democratic participation is not a reward for a harsh
economic transition, but is central to any definition and process of economic
development. Either way, there is a clear separation between the ‘economic’ and the
‘political’ which allows states and agencies to focus on one or the other, despite the
supposed ‘indivisibility’ of rights. In general, the human rights discourse has
privileged the political over the economic with some going further to suggest that this
is because the recognition of political freedoms is relatively costless compared to
economic rights which promise tangible material inputs such as housing and health
care (Sengupta, 2000). We shall return to this issue below in examining Shivji’s (1999)
discussion of the right to life.

This in turn means that the discourse of universal rights is relatively mute regarding
global capitalism as a generator of inequality. Turner (1993:2-3) argues that
citizenship ‘is inevitably and necessarily bound up with the problem of the unequal
distribution of resources' which is in keeping with the thrust of RBD. However, Evans (1997) is more vitriolic about the relations between global capitalism and rights. He argues that by stressing political and civil rights, the human rights discourse led by 'the forces of globalization' has sidelined critical discussions about economic rights. So, while international law stresses sovereignty and self-determination, the actual operation of dependency denies the realisation of these rights. He goes on to state that '(U)nless political and economic interests are threatened, the economic imperative of globalization suggests that victims of rights abuses will be ignored' (Evans, 1997: 98). There is a danger, as with recent discourses of democracy and good governance, that by stressing the political realm as distinct from the economic, RBD not only downplays the constraints arising from structural inequalities, but does little to address them.

Nowhere is this more clear than in Africa's experience of colonialism and neo-imperialism (Maluwa, 1997). For many, the adjustment era plunged Africa into deeper dependency and more polarised poverty. As Wanyeki (1999:104) observes, the lack of respect for the rule of law is evidenced 'by the adoption and implementation of structural adjustment programmes in disregard of their impact on human rights'. This paradox could, charitably, be seen as a failure of 'joined-up thinking' in global governance, but more realistically it reflects the neo-liberal urge to impose marketisation without consideration of its social and political impacts. The pragmatic question which opens up for the development community is whether such anti-imperialist rights are achievable in the present climate of neo-liberal globalisation and geopolitical governance?

Some believe a progressive agenda can and should be realised through rights-based social provision. For example, the exercise of human rights by organised labour and the insistence of 'due process' has enabled unions to make political gains against global capital (Bjorn Beckman, pers.comm.). This opens up wider debates regarding social policy and globalisation. In the past, social policy has been an important means for redistributing resources and ensuring social welfare at the level of the nation state. Deacon (1997) argues that globalising forces have forced a 'supranational concern' with social policy upon us even though such thinking is in its 'primitive stages'. In promoting the case for a global social policy, Norton (2000) argues that the freer movement of capital between nations, with capital 'regime shopping' for the best conditions, encourages governments to lower standards of labour rights and labour protection. At the same time, liberalisation restricts many sources of revenue previously available to fund social expenditures (trade tariffs, labour taxes), producing a 'fiscal squeeze', while volatility in capital flows has been shown to lead, under some conditions, to rapidly developing crises of welfare at the regional and national level.

Given these arguments, Norton considers the policy environment to be ripe for change, pointing to the multilateral lending institutions increasing engagement in the 1990s with 'classic' social policy areas of concern, such as poverty reduction and social protection. Redistribution between countries already operates at the sub-global level through EU mechanisms and Deacon argues that such programmes could be expanded into international development, citing the UNDP's (1992:78) argument for a global system of progressive income tax from rich to poor nations. However, such initiatives are still open to Furedi's accusations of 'moral intrusion'. Ferguson (1999) tackles this head on in acknowledging critiques of benign or progressive globalisation as ethnocentric or neo-colonialist. The rejection of a raft of global social policy principles, argue its protagonists, serves the interests of class and gender elites in
southern contexts as much as it irritates northern governments looking to appease their own constituents. What is stressed by Norton and others is that those with a normative position on social policy principles need to create a broad constituency for those principles in the north and south. That means dialogue and partnership rather than trying to impose measures through policy conditionality. The most encouraging signs of an emerging social agenda are those that are springing up as truly global responses to the challenges of globalisation such as the north-south links underpinning the fair trade movement and the movement for debt relief.

Citizenship & Social Welfare

This emerging debate on global social policy raises further questions regarding what might be termed 'thin' citizenship. Marshall (1964) argued that in Britain rights proceeded from civil (legal) in the 17th century, to political (parliamentary democracy) in the 18th and 19th centuries to social (welfare state) in the 20th century. While we can criticise this teleology for presenting a too simplistic view of the evolution of rights and for not specifying whether all rights are of equal importance, its greatest weakness is in failing to specify the linkages between citizenship and capitalism (Turner, 1993). In particular, citizenship rights might be seen as a radical principle of equality or, by providing checks and safety nets, simply a means of promoting solidarity and the stability required for further accumulation. This latter interpretation of rights emphasises important concrete entitlements such as housing and clean water, but generates a citizen whose political agency is only exercised in pressing for basic needs. The focus on legally-defined welfare provision might preclude alternative trajectories with RBD becoming another form of neo-liberal market-led development. Such a process will be exacerbated by such initiatives as GATS (Global Agreement on Trade and Services) which moves control away from local people towards global corporations in a mass privatisation of welfare (World Development Movement, 2001).

A final paradox of globalisation and rights relates to the relative mobility of capital and the control of people (Pettman, 1999). The twin discursive pillars of globalisation and universal human rights suggest that the mobility of finance, goods and ideas is greatly enhanced and necessary for continued prosperity while all humans should have the same opportunities and be subject to the same rights. In practice, while certain forms of capital, including some types of labour, have become more mobile, states police their borders like never before. Despite pretensions to global citizenship, in beggar-thy-neighbour global capitalism, clear differentiations are made between citizens and non-citizens. So, despite a discourse which laments the inevitable waning of state power, states still retain authority to territorially define legitimate citizens with valid rights. Pettman (1999) goes on to suggest that we should press states harder to protect rights and expose the myth of powerlessness in the face of globalisation.

Conclusion

As a creature of liberal individualism, the rights agenda tends to serve the interests of the propertied and the powerful. However, the recent emphasis on economic and developmental rights should be welcomed, because it raises the possibility of cementing the right to a decent standard of living; even if such commitments remain tentative and uneven. Clearly, as with any ideological venture led by the major international development agencies, the potential exists for the rights-based agenda
to be used as a new form of conditionality which usurps national sovereignty and thereby further denies the autonomy and freedom which are a sine qua non for democratic development. Additionally, by handing the primary responsibility for defending rights to unaccountable and authoritarian states the process does little to challenge the power structures which may have precipitated rights abuses in the first place. Finally, the emphasis on universal rights, as defined through largely Western experiences, limits the relevance of rights to local circumstances and thereby effects yet another form of Eurocentric epistemological violence which seeks to normalise a particular and self-serving social vision. Hence, the balance sheet in favour of rights-based development, as it is currently conceived, is relatively empty. So, do we simply ignore the RBD agenda or can it be used to effect more meaningful solutions to the African crisis of development?

Both Ake (1987) and Shivji (1989, 1999) argue that any discussion of abstract rights pertaining to abstract ‘humans’ is meaningless and unhelpful for Africa and serves only the interests of those protagonists who stand to benefit from the status quo. Shivji (1989:69) argues that:

human rights talk should be historically situated and socially specific. For the African perspective this ought to be done frankly without being apologetic. Any debate conducted on the level of moral absolutes or universal humanity is not only fruitless but ideologically subversive of the interests of the African masses.

He goes on to assert that any concept of rights in Africa must be anti-imperialist which forces the issue of self-determination back on to the agenda and it is, in part, for this reason that he welcomes the ‘new rights agenda’ (Shivji, 1999). He states ‘imperialism is the negation of all freedom’ so that human rights in Africa ‘must be thoroughly anti-imperialist, thoroughly democratic and unreservedly in the interest of the people’ (Shivji, 1989:70).

Ake (1987) has been equally adamant that any notion of human rights must be grounded in the realities of the African crisis. For him, writing 15 years ago, the spectre of fascism in Africa was the paramount political problem so that any articulation of human rights must be ‘to combat social forces which threaten to send us back to barbarism’ (1987:7). Both authors criticise the individualism of bourgeois liberal rights and assert that African societies are far more socially-oriented so that an African version of human rights must go ‘beyond the dominant western liberal conception as an individual bearer of rights and include a wide range of more substantive contents’ (Von Lieres, 1999:140).

The question remains as to how such a process might be engendered. Mamdani (1996) concludes that more genuine citizenship must acknowledge the bifurcated state and negotiate both rights-based and ethnic identities through a ‘balance between decentralization and centralization, participation and representation, autonomy and alliance’ (Mamdani, 1996:298). However, beyond that he remains vague. Von Lieres (1999:146) also sees multiple democratic ‘spaces’ opening up following the retreat of the state, leading to a

a new dynamic model of interaction between multiple, often interdependent socio-political and cultural spaces and groups ... (moving us away) ... from the idea of the citizen as a bearer of rights towards the idea of the citizen as participant and claimant, embedded in a series of networks guaranteeing inclusion and preventing marginalization from wider social and political processes (Von Lieres, 1999:146).
While she may be right to describe the African political imagination as ‘survivalist’, such a view of political inclusion remains rather voluntaristic and denies the possibility that, in an environment of poverty and political turmoil, the ‘new spaces’ might be filled by warlords, gangsters and other anti-democratic factions.

Both Ake and Shivji also posit alliances between diverse political communities as one means of pressing for meaningful rights. Indeed, Ake’s strategic realpolitik leads him to argue, despite his general scepticism towards liberal rights, that we need

\[
\text{a coalition of all those who value democracy not in the procedural liberal sense but in the concrete socialist sense. This is where the idea of human rights comes in. It is easily the best ideological framework for such a coalition (1987:8).}
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Ake rightly acknowledges that any realisation of such rights will involve struggle such that empowerment cannot be handed down by development agencies or the state, but must be taken by the marginalised. Instead, we will see ‘a protracted and bitter struggle because those who are favoured by the existing distribution of power will resist heartily’ (1987:11). As a result, he is somewhat dismissive of any institutional or procedural reforms of the type imagined in the RBD agenda (Maluwa, 1997).

Shivji (1999) is more positive about the potential role of legislation in securing a rights-based approach to development. In keeping with the RBD agenda he believes productive gains can be made by bringing together the developmental and human rights traditions. To support his case he examines the successes of ‘social action litigation’ (SAL) in India which has pushed for social justice as opposed to the individualistic ‘natural’ justice enshrined in liberal rights discourses. SAL has questioned the issue of what it means to live and broadened it to include a range of rights not normally considered justiciable. In particular, a person not directly affected by an abuse of rights can still bring a petition to court if they feel that basic rights to live have been violated. And by expanding the notion of what it means ‘to live’ to include a right to work, the dichotomy between political and ESC rights is breached. Shivji uses this to press for a new rights regime which asserts that a right to life is the most fundamental human right. However, unlike liberal conceptions, it accepts that ‘living’ involves being part of a wider collective which may be anything from a family, community organisation or trade union.

Allied to this is this right to self-determination which applies in two senses. First, to nations within the uneven global political economy. This marks his approach out as more transformative and radical than the current RBD approaches which see all nation-states as equals and thus covertly denies the unequal use of power by some states and TNCs. Second, self-determination applies to minorities or ‘nations’ existing within the borders of accepted nation-states. This is not simply about recognition of these groups, but about allowing them ‘to determine their “self” politically in terms of participating in major decision-making processes that affect their lives’ (1999:269). In this regard, Shivji is welcoming of the African Charter’s inclusion of ‘people’s’ rights, so long as these are taken seriously.

Such efforts can justifiably be dismissed as drops in the ocean which will not effect major social transformation. While individual victories in favour of the oppressed and marginalised may have limited impact, the broader process keeps alive the debate about the limitations of existing political structures to deliver development while simultaneously giving credibility to those organised activities aimed at
transforming livelihoods and discrediting those who oppose such activities. So, we do not believe that the rights-based development agenda, as currently constructed, will challenge the structures which create underdevelopment. Only by embedding discussions in the locally meaningful struggles that confront impoverished Africans and by promoting broader and direct participation which, crucially, promotes self-determination can a rights agenda more thoroughly promote African development.

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Kenya: One Step Forward, Three Steps Back: the Succession Dilemma

Rok Ajulu

Despite the optimism in 1992, that competitive multi-party politics would create effective and meaningful democratic politics in Kenya, there has been a process of political deliberatisation and politicisation of ethnic politics. There is, moreover, little prospect that President Moi will give way to a replacement at the end of his second five-year term in 2002. There is even less chance that effective political democracy is likely in Kenya in the foreseeable future.

The return to competitive multi-party politics in Kenya in 1992 took place against the stiff opposition from the ruling political elite, the ruling party, Kenya African National Union (KANU), and the government. Confronted with the prospects of an open political process, in which political institutions would have to be rendered more accountable, the ruling political elite responded by politicising ethnicity, and launching a series of ethnic cleansings as witnessed in the Rift Valley Province between 1991 and 1992. This, however, was not enough to stem the tide of the struggle for democracy. Faced with a politically mobilised population, and a determined donor constituency seeking to lend liberal democracy some degree of credibility, President Moi was ultimately pressured into opening a political space, and rendering the contestation of political power more competitive.

The reintroduction of competitive elections in 1992 was greeted with a degree of optimism and enthusiasm by a majority of Kenyans. It was seen as a major step in the re-democratisation of the country. In the perception of the majority of Kenyans, and indeed, a number of international observers, the 1992 election would mark the beginning of the transformation of the country from a one-party oligarchy to a stable, competitive multi-party state. Two competitive elections later, nothing much appeared to have changed. If democratisation is understood broadly to include ingredients such as periodic elections, free press, respect for human rights, an independent judiciary, rule of law, and a greater role for civil society, then Kenya’s multi-party process does not seem to be headed in that direction. Indeed, political processes since the opening of a democratic space in 1990 have not been about deliberate construction of democratic institutions. Rather, over the last decade, the country has witnessed a consistent attempt to close the democratic space altogether. Thus it would seem that democracy, either in its minimalist procedural form or its substantive form, that is, regular electoral contestation combined with the strengthening of independent institutions within the state and civil society, is unlikely to take root in Kenya in the foreseeable future. Kenya, it would seem, has taken a number of steps backwards since the introduction of competitive multi-party elections in 1992.
More recently the country seems to have taken greater strides backwards. President Moi it would seem, is not content with completing his second five year term since 1992. He now plans to 'fiddle' a third term, an event which is likely to have negative repercussions for democratic consolidation in Kenya. If he chooses to tread that path, he will be following in the footsteps of a number of African leaders who have demonstrated an uncanny reluctance to vacate state lodges and opted instead to amend their constitutions and provide for third five-year term. Two questions that emerge then are how do we explain this general reluctance to democratise the post-colonial state and why does the African ruling elite appear to prefer this type of warlike conduct of politics?

This article attempts to answer these questions by looking at the succession crisis in Kenya. Politics, Mamdani (1996) suggests, only makes sense when analysed in the context of concrete moments of accumulation processes and the struggles shaped by these processes. Following from this I would like to suggest that perhaps there is the need to focus attention on the centrality of the state in the process of accumulation. Precisely because in economies of this type state power is deployed as the instrument of accumulation, control of the state remains the most important preoccupation. The political class is therefore likely to employ all kinds of tactics to retain control of this important instrument.

The Moi Succession

According to the constitutional amendment of 1992 that brought the one-party state to an end, presidential office was restricted to two five-year terms. President Moi therefore should retire at the end of his second term in 2002. The question most people have been asking is whether he will indeed walk quietly into retirement, and if he does not, as is increasingly becoming evident, how does he propose to stay on?

Since the beginning of his second term President Moi has been sending conflicting messages about his retirement plans. In June 1999 soon after returning from South Africa where he had attended president Thabo Mbeki's inauguration, he announced that he would like to retire at the end of his second term, provided he added, a suitable successor could be found from among his ministers. In December 1999, he was even more forthright. 'Three years from now', he said,

*I will retire from active politics, but I will make sure that I leave you united under a leader I will advise you to elect as president* (Daily Nation, 4 December 1999).

More recently he has wavered from his earlier promise to step down in 2002. In April 2000 he told his ruling party Kenya African National Union (KANU) Parliamentary Group meeting that he was not in a hurry to leave office until he was satisfied that doing so would meet the interests and wishes of the majority of Kenyans. 'Some people have said that if I run for the Presidency in the next elections, I will ignite a time-bomb. What time-bomb is bigger than the voice and wishes of Kenyans?' he is reported to have asked his parliamentarians (Daily Nation, 19 April 2000). What are the reasons behind these conflicting statements from the President?

The Crisis Within

President Moi's vacillations reflect the growing crisis within his ruling KANU party, panicked by the prospects of losing control of the state as the party contemplates the departure of the president. To appreciate the depth of this panic, it is important to
understand the character of the Kenyan state under Moi. First, the state has served as the main dispenser of patronage and resources. The state alone has had the capacity to create conditions and pursue policies that privilege the accumulation of wealth by the political elite. Hence it is not surprising that control of the state or proximity to those who have access to state power has been the main preoccupation of political activity. Second, the Moi state became increasingly kleptocratic, largely because the coalition of class forces which came to dominate it were primarily non-productive classes. Thus the state was seen as the principal source of accumulation and a resource for patronage for that class. This was because unlike the Kenyatta coalition which comprised the original indigenous accumulators, president Moi’s ruling coalition was drawn from areas peripheral to capitalist development (Ajulu, 1996, 1998). Finally, the state under Moi became increasingly centralised and authoritarian, precisely because economic mobility and expansion of the new ruling class was largely tied to its continued control of state power.

This broadly explains why this ruling elite was unwilling to be subjected to democratic accountability. Indeed Moi admits he had accepted political pluralism because of the consistent pressures from donors and western governments, and not because he was convinced of the fecundity of competitive politics (Africa Events, September 1992). The problem from Moi’s point of view is that when he conceded political space in 1992, he unwittingly agreed to the constitutional amendment that thereafter restricted presidents to serve a maximum of two five-year terms.

The first signs of panic appeared at the beginning of the 1990s. With the prospects of political pluralism around the corner, and somewhat convinced that they were unlikely to win democratically conducted elections, the political class set about plundering the state through what might be called the rise of ‘contractocracy’. This refers to the questionable purchases by government departments and parastatals, unauthorised expenditures and non-payment of duties on imported goods. It also refers to the award of government lands to cronies and subsequent sales to well connected business persons, sale of government houses to cronies at knock-down prices and the award of non-existent consultancies to dubious consultancy firms. This was the period of the infamous Goldenburg scandal, in which a local firm Goldenberg International owned by an Asian businessman, Kamlesh Pattni, was allegedly paid KSh51.5 billion (US$643m) as export compensation for gold and diamonds. Kenya produces neither. In other words, the ruling elite and its supportive classes sought to ‘make hay’ while it was still shining. According to the Parliamentary Public Accounts Committee (1998), close to 1,500 billion shillings (US$18.75) was either lost or irregularly expended between 1994-1996. Having looted so much, Moi and his team dug in their heels, and increasingly began to view democratisation as a threat to their personal security and material wealth.

As the economy continued to collapse around them, and politics became characterised increasingly by acute instability, and as the end of the presidential term no longer seemed distant, the panic deepened. The KANU ruling elite now turned its attention to how to hold on to power after 2002. First, in the run up to the 1997 election, it set itself against a constitutional reform, fearing that constitutional changes, involving electoral changes, correcting constituency gerrymandering, and limiting presidential powers might shift the balance of power in favour of the opposition in Parliament.

It took mass mobilisation during the months of July and August 1997 to persuade the government to concede to opposition demands for constitutional reforms before the general elections could be held (Ajulu, 1998). The Inter-Parties Parliamentary Group
(IPPG), a KANU initiated platform, largely had the effect of blunting the impact of the reform agenda proposed by sections of the opposition and its allies in the National Convention Council (see the IPPG Report). It again took mass mobilisation in 1998 to force a reluctant KANU to concede the passage of the Constitution of Kenya Review (Amendment) Act which was passed in October 1998, and provided for a multi-tiered structure for the constitutional review process – now popularly referred as the 'people-driven' review process. I will come back to this below.

The government also set about informalising state repressive institutions. As Southall (2000) points out, the security forces in Kenya have lost the monopoly of the means of violence. The faceless militias responsible for the ethnic cleansing in the Rift Valley Province before and after the 1992 elections; the Pokot raiders in the northern part of the Rift valley; the Samburu and Turkana militias who have been active in the Laikipia areas; the armed militia, responsible for the deaths of up to 50 so-called 'up-country' people in the Coast Province in the run up to the 1997 elections, are all connected to people high up in government. That was the conclusion of a Parliamentary Select Committee (the Kiliku Report), which fingered among others, the vice-president, Professor Saitoti and the Trade and Industry minister Nicholas Biwott. It is instructive that the government has so far failed to release the report of the Commission of Inquiry into tribal clashes (the Akiwumi Commission), which submitted its report at the end of 1999.

The government has allowed the proliferation of urban youth militias closely linked to the party's powerful figures. The notorious Jeshi La Mzee (the Old Man's Army) is deployed regularly against anti-government demonstrations in Nairobi. Its members are known to the security forces, it is handled by a well-known politician who is also a deputy minister. President Moi's declaration in April 2000, at the end of KANU Parliamentary group meeting, that he would call the 'youth to come in and help' if anyone took mass action against the Raila report was an acknowledgment that this strategy is sanctioned from the very top of the state machine (The Daily Nation, 19 April 2000).

Predictably these political manoeuvres engendered serious divisions within the party – and not for the first time. KANU has been known to fracture incessantly in times of crisis. For example, during the Odinga crisis in the 1960s, and the Change the Constitution Movement in the late 1970s, the party was for all practical purposes, reduced to two warring entities (Karimi and Ochieng, 1980). And so as in the past, KANU fractured into two main factions, KANU A and KANU B, the third one, KANU C is not really significant for purposes of our analysis here.

KANU A, fronted by Simeon Nyachae, the former Finance Minister, represents the enlightened fraction of the ruling elite, its objectives seem to be centred around the presidential ambitions of Nyachae himself. Yet significantly the faction draws upon those sections in the KANU leadership which have not been privy to the predatory activities of the inner ring of the ruling coalition. In order to appreciate the political orientation of this faction, it is important to understand the background of Nyachae himself.

Relatively a late comer to politics (he only joined active politics in 1992 when he was elected MP for the Nyaribari Chache constituency) he comes from a background not dissimilar to the old indigenous accumulators of the Kenyatta regime. His father, the late Chief Nyandusi was a Senior Chief in Kisii. Simeon Nyachae started out as civil servant, was one of the first permanent secretaries at independence in 1963, rose to a
be Provincial Commissioner where he served during the Kenyatta period rising to Chief Secretary from where he retired in 1988. At the time of his retirement, he had accumulated a considerable amount of capital though significantly not through openly kleptocratic or predatory means. So, unlike other members of the Moi regime, he has an independent capital base, and is thus capable of dispensing his own patronage without the assistance of the president. Unlike other members of the ruling coalition, he can be considered to be comparatively clean.

The dominant faction of the party is KANU B. It is closely identified with Moi's kitchen cabinet - Nicholas Biwott, Joseph Kamotho, the party Secretary-General, and Saitoti, the vice-president, is believed to be the core of party hardliners. It had Biwott as its unofficial leader and Saitoti as its presidential candidate. It is closely associated with that section of the ruling coalition which has made huge fortunes out of corrupt kleptocratic and predatory economic activities. Saitoti's name, for example, has featured regularly in the Goldenburg scandal. More recently a number of members of this faction have been named in the so-called Corruption List of Shame. A Parliamentary Select Committee on corruption that included Saitoti, Biwott, Sunkuli, Arap Ngeny, the Water Development Minister, and President Moi's son, Phillip (Daily Nation, 4 May 2000). The objective of this faction was initially to seek a settlement that would give them cover after Moi's departure. Initially this group sought to woo the Gikuyu Embu Meru Association (GEMA) faction of the Kikuyu elite through the proposed alliance with Moi's minority coalition, the Kalenjin Masai, Turkana and Samburu (KAMATUSA) in the KAMATUSA-GEMA talks of 1993/4. When this failed, Moi initiated the so-called Kikuyu Development Group, the failure of Moi to gain a foothold in Kikuyuland in the 1997 election put paid to this effort.

KANU A was in the ascendancy in the period immediately after the 1997 election when Saitoti was demoted from the vice-presidency to the relatively junior position of Planning and National Development. Nyachae was made Minister of Finance with a brief to win back the confidence of the international financial institutions by tackling economic mismanagement and corruption. That was a challenge that he gladly accepted with the full knowledge that the main culprits belonged to the other camp. By all assessments, within a relatively short period he had done an excellent job - balanced the budget, stabilized the shilling, and broadly established conditions for a return to negotiations with the IFIs. More importantly, Nyachae exposed the extent of high level involvement in graft, and the finger kept pointing in the direction Moi's inner coalition. The revelations of bad debts at the National Bank of Kenya (NBK) exposed the extent to which close Moi hardline cronies, cabinet ministers Biwott, Ntimama, Saitoti, Kones, former cabinet minister Ndolo Ayah, a High Court judge, owed the bank billions of Kenya shillings (Africa Confidential, 1998). Nyachae also led a frontal attack on the import export sector likening the sector to Al Capone's Chicago. These exposures predictably intensified attacks on him ultimately leading to his being moved to the junior position of Industrial Development which he refused to take and instead opted for the back-benches where he continues to be a thorn in the side of government.

KANU B recovered its dominance with the reappointment of Saitoti to the Vice-presidency in 1998. But as the government continued to come under pressure from the IMF/WB, on economic mismanagement and corruption, Saitoti now sought to distance himself from Biwott and attempted to cultivate a wider political base for himself, albeit in preparation for the presidency. Furthermore, the vice-president quietly let it be known that he was not prepared to carry the responsibility for the Goldenberg scandal alone thereby suggesting that the decision to loot the Treasury
came from much higher up. The group was also unhappy about the positive chord that Saitoti had struck within the Kikuyu opposition parties. When towards the end of 1999, the National Development Party’s Otieno Kajwang brought a vote of no confidence against the Vice President, it was the parliamentary support of the Kikuyu dominated Democratic Party (DP) which bailed him out. Kajwang however was seen as a proxy of the KANU hardliners. Thereafter it became clear that the group no longer considered Saitoti their natural presidential candidate. They decided that they could not trust him anymore, fearing that he might turn on them come Moi’s departure.

With Nyachae out in the cold, and Saitoti now no longer a favoured candidate, the succession issue continued to divide the ruling party down the middle. By mid-1999, it was clear that KANU was held together by Moi, and the fact that they still had control of the state, and by extension, patronage resources. In the absence of Moi, party followers feared the disintegration of the party into its old Kenya African Democratic Union (KADU) constituencies. It is probably at this point that president Moi and his kitchen cabinet decided that the only way out was for Moi to get a third term. But this would entail amending the constitution. How would KANU achieve this given the elaborate constitutional review process negotiated in the Safari Park negotiations, which led to the Constitution of Kenya Review (Amendment) Act, 1998, an amendment which had effectively removed the process from Parliament where at least Moi had the majority, thanks to the ‘cooperation’ with Raila Odinga’s National Development Party (NDP).

**Managing the Constitutional Review Process**

In the run up to the 1997 elections, mass mobilisation led by the newly established National Convention Assembly (NCA) and a section of the opposition confronted president Moi with a broad based demand for constitutional review before the elections. Confronted with violence in Nairobi and at the Coast, the government suddenly lost political initiative to the opposition. But ever the master of political intrigue and manipulation, he soon regained the initiative. He conceded the principle of a constitutional reform and persuaded a section of the opposition to join an Inter-Party Parliamentary Group (IPPG) a KANU platform which according to the National Convention Assembly ‘had been designed to blunt the impact of demands for electoral reform’. That was a feat which President Moi achieved with remarkable success – the constitution was amended to render the country a *de jure* multi-party democracy; the Public Order Act (Cap 56) was amended to facilitate freedom of assembly; section 33 of the constitution was amended so that the nomination of MPs are proposed on a pro rata basis by all Parliamentary parties with a minimum of seven MPs. This enabled the election to be conducted as scheduled. The Act, furthermore, provided for the Constitution of Kenya Review Commission to be composed of 29 commissioners appointed out of 45 members nominated by political parties, churches, and the ‘civil society’.

Having won the 1997 election, Moi predictably was in no hurry to honour the IPPG deal. It took 18 months of political fencing, mass mobilisation, and four conventions—Safari Park I, II III and IV to establish a constitution review process. The outcome, established very much against the wishes of the KANU hard-line encompassed the participation of a wide section of the society through a multi tiered structure as follows:
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- **District Forum**: composed of representatives of local stakeholders responsible for civic education and nomination of district representatives to the National Constitutional Consultative Forum (NCCF).

- **Constitutional Commission**: consisting of 13 nominees of political parties, 5 representatives from women organisations, 4 representatives from civil organisations, and 3 from church organisations, would consult the public and draw up a draft bill.

- **The National Constitutional Consultative Forum (NCCF)**: All MPs, Commissioners, and three representatives from each District Forum, and two representatives each from organisations which were party to Safari Park negotiations. This body was supposed to study the Commission report and make appropriate amendments.

- **The Constitution Amendment Bill** would be passed by Parliament, and finally forwarded to the President for assent (see Wamugo, cited in Southall, 2000).

If the intention was to draft a KANU friendly constitution that might include a third term for the President, this elaborate structure was unlikely to be acceptable to the ruling party. So, having been pressured by mass mobilisation to accept the safari park negotiations, KANU now set out to wreck it. KANU initially started by demanding majority representation on the Commission, but it soon realised that even that would not quite secure the balance in its favour. Thus towards the end of 1999, it called on the process to be returned to Parliament, arguing that the Commission was after all an unelected body. Just like the 1997 period, KANU was helped along the way by a divided opposition incapable of coming up with a united platform.

By December 1999, Moi had managed to scupper the elaborate structure put together at Safari Park and returned the review process to the House. This was achieved through a deal that was struck with the opposition NDP. Earlier in December 1999, the NDP leader, Raila Odinga prepared a motion to compel the Attorney general to convene a meeting of stakeholders to jump-start the stalled constitutional review process. The NDP leader was subsequently persuaded to include a crucial amendment that called for a House Select Committee to work on the Act. Thus was born the Parliamentary Select Committee on the constitutional Review (The Raila Committee), elected exclusively by KANU and the NDP and composed almost exclusively by the two parties. It was a partisan body that was bound to divide the country on the crucial question of the constitutional making process. And divide the country it did. Having rejected the Select Committee, the rest of the opposition went ahead, together with the churches, the ‘civil society’ to form a parallel constitutional making body – the church led ‘Ufungamano initiative’.

It has been suggested that KANU formed a review committee to explore the amendments to the constitutions long before the Parliamentary Select Committee was appointed (Daily Nation, 24 February 2000). The core recommendation of this committee according to this source, was for the Commissioners to be reduced to 15, and to be appointed by the President and not the stakeholders as provided for by the Act. And just so, the Raila Committee submitted its report to Parliament on 20th April and its core recommendation was that a parliamentary committee be responsible for identifying 21 people from whom President Moi would appoint 15 to form the Constitutional Review Commission. The Select Committee thus handed over the entire constitutional reform process into the laps of the President and the ruling
KANU party. Ford Kenya MP Dr. Mukhisa Kituyi alleged that the Raila Report was a replica of a similar constitutional draft made by KANU think tank which was drafted as early as 16 October 1998 (Daily Nation, 8 April 2000). And so it is quite possible, that the Parliamentary Select Committee was fronting for KANU all along. It is not surprising that the opposition boycotted the debate. In the absence of the opposition, not much was expected of the debate on the Select Committee Report. Surprisingly, it was one of their members, Simeon Nyachae, who captured the mood of the country. Appealing to his fellow KANU MPs for common sense, he said that if KANU did not bring back the 65 MPs who had walked out on board, then their action will undermine unity and peace:

...Whether you call them stakeholders or not, there is leadership outside this House that must be included in the review process so as to give the final document a wide appeal, acceptability and legitimacy ... Anybody who loves this country must stop dividing Kenyans... Disagreements on the constitutional review has now gone beyond political parties and it is now out there tearing the country apart ... we cannot be divided like this and come out with a constitution that will be acceptable to all Kenyans (Daily Nation, 21 April 2000).

This fell on deaf ears. KANU was in no mood for compromise. And in any case, the adoption of the motion was never really in any doubt as what was required at this stage was a simple majority. Thus, even if the opposition had stayed and voted against the motion, the motion would still have sailed through. A combination of KANU and NDP was enough to secure the required simple majority. So, with President Moi having said that he would give 11 seats to KANU, 2 to NDP, while the rest of the opposition would share the remaining seats (Daily Nation, 19 April 2000), the country would be saddled with a KANU version of the constitution. By March 2001 Moi had once again outmaneuvered the opposition. In a series of protracted negotiations fronted by the newly appointed chairperson of the Parliamentary review committee, the internationally acclaimed constitutional expert, Professor Ghai, he managed to divide the clerical led Ufungamano group and achieved a merger of the two groups. It is understood that a bill conferring legality to this merger has been through parliament and received the requisite presidential assent. This has now led to a much more legitimate constitutional review body, but one that will nonetheless be controlled by Moi's men and women. What does this portend for a country already torn apart by the preliminary process itself?

But first, how does KANU propose to proceed now that they have captured the constitutional review process? In early February 2000 Shariff Nassir, a minister in the President's office, generally regarded as the unofficial spokesperson of hardliners, publicly floated a possible direction of constitutional change. He suggested the constitution would be changed to ensure that the Speaker took over as a temporary measure until a new president was elected (Daily Nation, 12 February 2000). This was seen primarily as a crusade against the vice-president George Saitoti whom as I have already indicated, had fallen out of favour with the hardliners. But more significantly Nassir also added that he was unhappy with President Moi's announcement that he was set to retire once his terms expired in 2002. He thought this decision should be left to Kenyans. In April, as already indicated above, president Moi himself indicated that he might not leave office when his time comes in 2002. Instead, he suggested that this decision should be left to the 'wanaichi (the people) to decide' (Daily Nation, 19 April 2000). The environment minister, Francis Nyenze reiterated the same message. Kenyans, the Minister said were worried about President Moi leaving office without a successor who can unite all the ethnic groups:
... This nation would be thrown into confusion should Moi bow out of office before a suitable successor is known ... Kanu's strategy would be to seek the view of the majority within and without parliament on whether President Moi should quit ... (Daily Nation, 8 May 2000).

This relentless campaign by KANU hardliners lends credence to the now popular view that the party proposes to amend the constitution to give President Moi a third term. A recent commentary in the Daily Nation (16 April 2000) invoked 'very credible' sources indicating what KANU had in mind. The general thrust of proposed changes were the amendment of the constitution to enable Moi to remain as a ceremonial president, and two vice presidents and a prime minister who would be responsible for the authority over government were the changes KANU had in mind.

The Numbers Game

Whatever KANU's intentions the proposed amendments must first go through Parliament. Here KANU will need a two-thirds majority in order to amend the constitution. The magic figure is 140 and the numbers game does not at the moment appear to favour KANU. The KANU block, that is, KANU, the National Democratic Party (NDP) of Raila Odinga, and the two one-person parties, the Kenya National Congress (KNC) and Shirikisho, together command 131 votes – that is without any defection. Two NDP members Dr. Ochuodho (Rangwe) and Peter Oloo Aringo (Alego-Usonga) are unlikely to vote with KANU which reduces the block vote to 129. If KANU defectors abandon the party (the likely figure is five), this will leave KANU looking for some 16 votes to amend the constitution. On the other hand, the opposition block, the Democratic Party (DP), Ford-Kenya, the Social Democratic Party (SDP), Safina, Ford People and Ford Asili, together with two MPs from NDP have a combined voting power of 77 enough to prevent KANU getting the requisite two-thirds majority necessary for an amendment to the constitution.

The question then is will KANU be able to woe sufficient number of defectors from the opposition block to attain the magical figure of 140? To assess the possibility of this we have to turn to recent voting patterns in the House. During the Orengo sponsored vote of no confidence on the President, KANU secured 137 votes against the combined opposition tally of 67, enough to defeat the motion, but falling short of the two-thirds margin by three votes. Once again during the debate on the Parliamentary Select Committee on the constitutional review process, 65 opposition members walked out, just enough to deny KANU a two-third majority by one vote. So, it is not certain that Moi will get his way come the second round in Parliament.

This view however, must be tempered by President Moi's known abilities at political manipulation and wheeling and dealing. First, if what we have said about the proposed constitutional changes is correct then Moi and KANU will have two slots in the vice-presidency and a premiership to dangle before the opposition. Second, it will be recalled that during the no confidence vote mentioned above, 23 MPs, 19 from the National Democratic Party, 2 Democratic Party, and one each from Safina and Ford Kenya respectively voted with KANU, while 6 Ford Kenya MPs abstained. It was alleged then that a lot of money had changed hands to secure that outcome. Moi and KANU certainly have the resources to spread patronage, but whether there will be takers remains to be seen. In the ultimate analysis, the question must be posed: having gone this far, will KANU be prepared to accept a Parliamentary defeat?
The Dilemma of Transition

We can now come back to the question we posed earlier, and that is, what does all this portend for a country already torn apart by the preliminary process of constitutional reform?

It would seem to me that the dominant section of the KANU ruling elite have not yet contemplated the prospects of loss of control of the state. In any case, the stakes are so high for this group to pack up their bags and walk away. Apart from pressures for constitutional reform and continued political liberalisation, Moi has continually had to parry pressures from the donor community and the IFIs. The IMF and the World Bank appear more determined this time round to secure some sort of action against rampant corruption and financial mismanagement. The cat and mouse game that Moi has played rather successfully with the IMF/WB over the last ten years appear to be drawing to a close, as he begins to sacrifice some close cronies to the Kenya Anti Corruption Authority (KACA) which was established at the behest of the IMF. In an interesting turn of events, the anti-corruption authority was declared unconstitutional and thus rendered null and void in March 2001. However, IMF pressure nonetheless forced the government to table fresh legislation establishing a new KACA. The Attorney-General recently announced that the new legislation is now in place but will have to be approved by the IMF before being tabled in Parliament (Daily Nation, 17 April 2001)

The KACA which so far has been attacked for netting ‘small fish while letting the sharks go free’ (Daily Nation, 27 February 2000) has recently got some ‘sharks’. A Permanent Secretary and a former comptroller of the state House, Lawi Kiplagat was recently arrested for corruption and subsequently fired from his job. A wife of a cabinet minister, and the notorious trio at the City Hall, the Town Clerk, and her two deputies have similarly been charged with corruption. The so-called List of Shame recently released by the Parliamentary Committee on Corruption reads like a who is who of President Moi’s kitchen cabinet: vice president Saitoti, ministers, Nicholas Biwott, Henry Kosgey, Kipngeno Ngeny, Sunkuli, Moi’s son, Phillip Moi, former permanent secretaries, Charles Mbidyo and Wifred Koinange, former Central Bank Governor, Eric Kotut. The Committee has recommended that KACA investigate and prosecute the names that appeared on the list. The Chief Secretary, Richard Leakey, who already has appeared before Public Investment Committee to answer questions why the government has not implemented any of the resolutions will therefore increasingly come under more pressure to act.

This is not to mention those within this ruling elite who fear prosecution against human rights abuses, and other serious economic and political offences. It is significant for instance that recent debates in the press have finally led to the reopening of the ‘Ouko file’ – the investigation into the controversial assassination of the former foreign minister Robert Ouko, in which the government was alleged to have been deeply implicated. For these and other reasons, the ruling group will continue to associate democratisation with a threat to their material wealth and their security and those of their families, and therefore are, in my opinion, unlikely to enter into any negotiations about surrender of state power.

It is significant to note for instance that the relentless campaign for a third term for President Moi has been accompanied by an equally virulent campaign for majimboism (federalism). KANU’s or is it KADU’s (Moi’s ruling coalition is comprised predominantly of ex-KADU members who crossed over to KANU in 1964) conception
of federalism, however, is not simply a question of devolution of power. For KANU, 
majimboism has come to mean ethnic separatism, a bargaining instrument that has 
been increasingly deployed by KANU since the opening of democratic space to cling 
to power at the centre. Implied in the call for majimboism is the threat that democratic 
dispensation at the centre will be confronted with retreat into ethnic baronies. As 
Joseph Misoi, the former KANU MP for Eldoret South, said:

... with the introduction of multiparty system, the survival of the smaller ethnic groups is 
(sic) threatened and the only way to safeguard their interests was through majimboism 
(Kenya Times, 20 May 1993).

Shariff Nassir, a minister in the President’s Office, put the matter differently:

if we want this country to continue being united, the person who succeeds President Moi 
should come from the minority tribes (Daily Nation, 12 February 2000).

The idea of majimboism is not new in Kenyan politics. It had its origins in 1954 with the 
formation of the whites only Federal Independent Party (Sanger & Nottingham, 1964). 
The FIP sought to protect the ‘White Highlands’ from African control, and hence it 
opted for a regionalist platform. In 1958, the FIP was transformed into the Progressive 
Local Government Party (PLGP), the rhetoric had changed but the objectives 
remained the same. The white PLGP hoped to exercise political control over the White 
Highlands. They thus advocated strengthened local governments, with powers over 
local taxation and expenditure.

The old Kenya African Democratic Union (KADU), which has been mistakenly 
credited with the founding of majimboism, only adopted the idea in 1961, and only 
when it had become clear that together with its allies, Michael Blundel’s New Kenya 
Party (NKP) and the Kenya Indian Congress (KIC), they were unlikely to assume 
control of an independent unitary Kenyan state. It was then that majimboism was 
launched under the slogan ‘Regionalism or Civil War’ (Sanger & Nottingham 1964). 
William Murgor, then parliamentary secretary to the Defence and Internal Security 
portfolio in the transitional government, invited his Kalenjin tribesmen to sharpen 
their spears and wait for the sound of his whistle for the beginning of the war to drive 
non-Kalenjins out of the Rift Valley. Moi, then Chairman of KADU vowed to shed his 
blood to ensure that regionalism was written into the independence constitution 

Thirty-nine years later, not much appears to have changed: the same political actors 
still believe very much in ethnic separatism as an alternative to loss of control of 
power at the centre. Yet what is evidently clear is that ethnic regionalism is unlikely to 
serve the economic interests of this kleptocratic class. As I have argued elsewhere 
(Ajulu, 1998), control of the state has been central to the emergence and consolidation 
of Moi’s kleptocratic bourgeoisie. An ethnic based regional government is unlikely to 
provide the same source of largesse that this class has enjoyed through control of the 
central state. As Southall (1999) correctly points out, the disintegration of the central 
state would collapse what has hitherto been their principal source of accumulation, 
scatter the Asian capital which has been their principal middle-men, and drive away 
multinational capital which has been the mainstay of Kenya’s role as the principal 
economic player in the Eastern African region.

It would seem therefore that far from being a realistic option, majimboism is in reality 
a euphemism for a war of contestation of the centre. It is basically a strategy to extract
concession from the centre by those who are unable to compete at the national level, a strategy that in South Africa for example, Mangosuthu Buthelezi's Inkatha Freedom Party put to very good use. Crudely put, KANU seems to be saying that a unitary state is okay as long as they (KANU) control it, and it remains broadly undemocratic and unaccountable. Should the centre, however, be subjected to democratic accountability or KANU with the loss of control over it, then the alternative must be ethnic separatism.

Or is it sabre-rattling on the part of KANU and the government? Moi, the master of brinkmanship has probably calculated that given the centrality of Kenya in the region, and western investments and other interests in the area, if he can achieve a third term with minimal rancour, he might be allowed to get away with it. But if on the other hand, this kind of political gamble misfires, it could develop into something quite ghastly. Already the ingredients of warlordism and civil war exist in Kenya. As we have indicated above, since 1992, there has been a gradual encroachment of a low-intensity warfare – 1,500 killed and over 300,000 displaced in the ethnic cleansing in the Rift valley and bordering regions between 1992-93; 120 killed and more than 4,000 displaced in Nakuru and Laikipia; over 50 killed in Likoni and Kisauni in the run up to the 1997 elections. Furthermore as I have already noted, the government has freely encouraged the formation of youth militias, recruited from the socially uprooted sections of urban lumpens, and paid by some very well known ruling party politicians.

In the north western and northeastern parts of country bordering Sudan, Uganda and Somali the government has for all practical purposes ceded control to militias and war-lords. Moreover it is generally acknowledged that the Kalenjin based militias, which were used in the ethnic cleansing in the Rift valley Province during the 1992/93 period, have not been totally disbanded. A former MP from northwestern Rift Valley Province, Frederick Cheserek, recently urged his tribesmen 'to sell their remaining livestock and buy arms to protect themselves from cattle rustlers. Otherwise there is no government to protect them' (Daily Nation, 11 March 2000) – suggesting ominously, that first, there is easy access to arms, and second, that government has all but lost legitimacy and monopoly over repressive apparatus of the state. Add to this the proliferation of small arms along the country's borders which has increased banditry and militarised the once noble art of cattle rustling, then you have a classical recipe for political disaster, a typical situation where political crises and social unrest might easily trigger off a war of annihilation.

For the present Kenyan ruling elite, the stakes appear to be very high. As long as this ruling elite continue to associate democratisation with a threat to their material wealth and their security and those of their families, they will increasingly find it difficult to enter into meaningful negotiations about transfer of state power. Over the next two years struggles over constitutional reform might very well trigger off low intensity civil war. Alternatively, a failure by the KANU ruling elite to achieve their version of the amended constitution might very well accentuate panic within the ruling class, leading towards freelance violence which if continued unchecked might eventually lead to an outbreak of civil war.

In the event of a collapse of the centre, it is likely that the ruling KANU could break along the lines of its minority ethnic constituencies, and seek to use these to defend their respective turf from encroachment from the perceived enemies, the so-called dominant ethnic groups. Within that framework, it is possible to configure three different theatres of political instability as follows:
The North Eastern Corridor

This area is bordered by Ethiopia in the north, and Somali in east and north-east. Previously known as Northern Frontier District, it includes most of the Kenyan pastoralist ethnic groups – Somali, Boran, Rendilles and the Turkana. For much of the colonial period, the area remained a ‘closed district’, no person could enter the area without a special licence from government. It has thus remained one of the most underdeveloped parts of the country as a result of deliberate colonial and post-colonial policies.

From independence in 1963, the area was demarcated as the North Eastern Province. It is predominantly populated by a Somali population, politically, culturally, and economically attached to their kin across the colonial border in Somalia. It was this cultural affinity and Somalia’s expansionist ambitions which led to the attempted secession soon after Kenya’s independence in 1963, which was brutally, put down by the newly independent Kenyan state with devastating consequences future relations between the two countries. The area has since independence been characterised by acute insecurity, which unfortunately has, been used, first by the Kenyatta regime, and more recently by the Moi regime, to impose a repressive style of governance in the region. For all practical purposes, the region has technically remained under emergency legislation since independence in 1963.

The region has a long history of low intensity civil war, beginning with the Shifta war of secession in 1963; the Bulla Karatsi ‘massacre’ in 1980 when hundreds of people were killed and hundreds more wounded as government troops attacked and burned down the Bulla Karatsi village in retaliation of the death of six government officials; and more recently the ‘Wajir Massacre’ in 1984 which allegedly claimed the life of some 2000 Degodia clansmen and some thousands more missing or presumed dead (Africa Watch, 1991:274-8). Political upheavals in the region since then, Ethiopia in the mid-1970s, and more recently in the early 1990s has added to the continual instability in the area. As we have indicated above, the region is visibly underdeveloped which has undoubtedly fed the perception locally of lack of representation and political marginalisation.

The collapse of the Somalian state in the early 1990s, has not only added to this potent mix of instability, but also guaranteed an endless supply of illegal arms. Killings and raids attributed to ‘bandits’ have increased by leaps and bounds since the collapse of the Somali state. More significantly, the declining resource base and the absence of productive economic activity has engendered all manner of illicit exchange across its borders. These have sparked off intense rivalries between different warlords over declining economic resources. As this war of attrition over resources, manifested in cattle rustling, and inter and intra-ethnic conflicts, continued over the last decade, indications are that government has for all practical purposes lost control of the region, and that political power and control over the wider area has passed over to the war-lords while the government maintains control only in the urban centers.

In the event of a collapse of the centre, it is possible that warlords would take advantage of that to pursue their own respective agenda, not to mention the long simmering desire to secede and join their Islamic brethren across the border. The current lawlessness in Somalia and along the bordering areas makes it a perfect theatre for internecine warfare in the event of a breakdown of law and order in Kenya.
The Rift Valley & the North Rift Valley Corridor

The Rift Valley Province was the scene of ethnic cleansing in the run up to the first democratic election in 1992, and again in 1993 and 1994. As we have indicated above, ethnic violence in the 1992-3 period was far from spontaneous acts of a few trigger happy individuals, but rather, deliberately orchestrated political acts by the political elite in pursuit of a number of objectives – political 'gerrymandering' by disenfranchising those in the province who were not supporters of the ruling party, establishment of ethnic baronies as political bargaining instruments, and ultimately land for the supporters of the ruling party. Available evidence does seem to suggest that the killer bands, recruited mainly from the Kalenjin and Masai supporters of the ruling party have not been adequately disbanded and may be readily available for future deployment.

The Rift Valley is also the home to the minority alliance, the Kalenjin, Masai, Turkana, and Samburu (KAMATUSA) which has constituted the cornerstone of the ruling KANU party ever since President Moi assumed power in 1978. Its prominent politicians – Nicholas Biwott, the former minister for energy, the Vice-President George Saitoti, William Ntimana, the minister for Local Government, and the then speaker of the House Professor Ngeno, were all named by two separate commissions, the Task Force, established by the National Council of Churches of Kenya (NECK) and the Parliamentary Select Committee (the Kiliku Report), which conducted inquiry into the 1992 ethnic cleansing. These politicians as we have suggested, engaged in hostile political rhetoric threatening ethnic separatism in case they were not able to secure their desired political outcome.

The northern Rift Valley and the semi-arid areas bordering on Uganda, Sudan and Ethiopia have been the setting of some of the most vicious conflicts between the various nomadic ethnic groups who inhabit the area. This region which was initially administered as part of the Northern Frontier District until independence in 1963, has been particularly notorious for cross-border cattle rustling. Because of its close proximity to northern Uganda, and Southern Sudan, theaters of conflict over the last quarter of a century, much of the instability has been accentuated by the easy availability of small arms and automatic weapons from the wars across the border. This as I have already indicated, has in turn transformed the dynamics of cattle rustling into military expeditions with significant risks to the region. As early as the early 1980s the Turkana from Kenya were already engaged in large-scale cross border raids into Uganda. According to Africa Watch (1991), one such raid penetrated as far as 200 km inside northern Uganda.

The introduction of multi-party competitive elections since 1992, the protracted drought which according to analysts, is now in its sixth year, and finally, the collapse of the subsistence economy in the region, have all contributed to intensive rivalry over declining resources. Over the last seven years or so, government has gradually lost control of the area, particularly the north western margins of the region, a development which has witnessed the emergence of warlords closely associated with the ruling party as the main power brokers in the area. Guns appear to be on unlimited supply, and cattle rustling conducted by well-armed groups appear to be the main economic activity. The region thus contains all the ingredients of political instability, and in the event of political hiccup at the centre, there is no doubt that this area is likely to emerge as a theater of activity for those who are bent on continuing politics by other means.
The Coastal Corridor

As in the Rift Valley Province, economic crises in the Coast Province centers around land. Over the years, high value land along the Kenyan coast has been purchased by well placed political elites from within and 'outside' the area, a fact of great political resentment to ordinary people from the province. In times of political crisis, it has been possible to politicise the land issue and turn into a campaign against the upcountry people, as captured in the infamous separatist slogan, - wabara kwao (upcountry people back to their original areas).

The run up to the 1997 elections constituted one such moment. This came at a time when the ruling Kenya African National Union (KANU) had lost the political initiative to a section of the opposition, and increasingly it was beginning to look like a constitutional reform was possible that would 'level the political playing ground'. It was in these circumstances that violence erupted with attacks on Likoni police station. It is widely held that persons high in government had been responsible for organising, funding and orchestrating the violence. According to Kenya Human Rights Commission (Economic Review, 15-21 December 1997), the Coast violence was seen as a strategy unleashed by the state to achieve two main objectives. One of these was to create an environment which would have served as a convenient pretext for declaration of state of emergency, and thereby postponing the December elections until such a time that the government had regained the initiative from the opposition. The other, of course, had to do with undermining of demographic strength of the opposition parties in a number of constituencies at the Coast in the run up to the election. The large populations of the Luo, Kikuyu and Luhyia have often been considered as a crucial swing factor in the Coast electoral calculations.

These events and the continuing conflicts in the Province over land marks out the region as a potential terrain of contestation should members of the ruling elite be confronted with loss of control of state power. Moreover, the region has a history of secessionist ambitions dating back to the colonial conquest, and the manner in which the coastal belt was incorporated onto mainland Kenya from the Sultanate of Zanzibar. Given recent political crisis in Zanzibar, this could possibly constitute another dimension to the potential instability in the region with a possible spill over effect into Zanzibar, and the mainland Tanzania.

The foregoing analysis indicates that internal political competition and political insecurity are intricately interwoven. As we have indicated, these conflicts have their roots in the colonial and post-colonial political dispensations, and more recently, economic underdevelopment and declining resources which have sparked off all manner of ethnic and religious rivalries, and failure of democratic political dispensation. As long as such domestic conflicts are allowed to simmer Kenya and the region a long with it will be embroiled in political instability. There is thus an urgent need for emerging institutions of political governance to rethink the notion of non-intervention in the internal affairs of sovereign states. In the epoch of globalisation, increasing integration and interdependency, states can no longer be allowed to act as if they existed in isolation.

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No Democracy, No Development: Reflections on Democracy & Development in Africa

A B Zack-Williams

This article is a contribution to the debate on the state, democracy and economic development in Africa. It examines the process of the decline of political pluralism in Africa not long after independence, to be replaced by the omnipotent one-party state, and the rationale for this transition. It examines recent moves towards democratisation in Africa pointing to the implications for development and argues that democracy, defined as the ability of a people to control decision-making, is a sine qua non for development. Given the divide between owners of the major means of production (the ruling class who shape the destiny of the social formation) and the governing class (who are only in formal control of the state apparatus), it is argued that contrary to the neo-liberal dictate of destatization, the role of the state in economic transformation is crucial. Far from rolling back the state, state capacity needs to be strengthened and this would have to be at the expense of the proliferation of unaccountable non-governmental organisations.

Introduction

Since the end of the cold war and the proclamation of a 'New World Order' by President George Bush (Cliffe & Seddon, 1990; Mohan & Zack-Williams, 1995), the question of democratic governance and political transparency has become a major item on the agenda of donors and activists within and outside of Africa. For donors the call for democracy was premised on the need to 'create conditions for international capital accumulation across the world economy' (Szeftel, 2000a:302); whilst for critics of the African political order, the call was based on the belief that democracy will bring an end to dictatorship, political thuggery and economic stagnation.

This article examines some of the imperatives behind recent moves towards democratisation in Africa and the implications for the continent's developmental process. I argue that after a phase of political authoritarianism in the early post-colonial period, African governments were forced by the failure of their policies and the resulting protests from their people to create political space for multiparty competitive politics. The failure to give the people a say on how they should be governed was an important, though not the sole, factor in the crisis, which engulfed the continent in the 1980s, which in turn facilitated a democratic agenda.
Defining Democracy & Democratisation

The term democracy as utilised in this article is a minimalist one. It refers to the process of ‘empowering the general population to control decision making’ (Mengisteab & Daddieh, 1999:9). As such, it is an inclusive and integrative process designed to bring various classes, ethnic groups and nationalities into the nation-state. To the extent that this process is voluntary, there is the risk that democratisation can accelerate state disintegration and collapse. Many of Africa’s colonies were administered through a ‘bifurcated system’ of colonial engagement, i.e. dividing Africans between those who experienced urban racial discrimination and those who were subject to the rural Native Authority system, and who were brought together at independence as nation-states. This was the case with Africa’s most populous nation Nigeria, where ‘the creation of separate but subordinate state structure for natives’ (Mamdani, 1996:63) constituted the dualistic decentralised despotisms of Northern and Southern Nigeria. Writing on Africa as a whole Mamdani observed:

*The African colonial experience came to be crystallized in the nature of the state ... Organised differently in rural areas from urban ones, that was janus-faced, bifurcated. It contained a duality: two forms of power under a single hegemonic authority. Urban power spoke the language of civil society and civil rights, rural power of community and culture: Civil power claimed to protect rights, customary power pledge to enforce tradition* (Mamdani, 1996:18).

Thus, at independence in 1960, two alien political cultures were brought together to form the nascent nation-state of Nigeria. Political independence established a neo-bifurcated system through the continuation of decentralised despotism, empowerment of the chiefs and the demobilisation of the urban and rural populace. The situation in Sierra Leone was no different, where for a long time the urban Creoles were ruled through the Legislative Council, and the rural masses via the Native Authorities. The latter were given the status as ‘British protected people’, whilst the former were seen as ‘British subjects’. It came as no surprise that at the dawn of independence in 1961 the ‘privileged’ Creoles sought a judicial judgement through the Privy Council to continue the colonial bifurcated system. The Independence constitution legitimated the decentralised despotism, by upholding ‘the traditional rights’ of the chiefs over their subjects and as custodians of land rights. Furthermore, the Paramount Chiefs of the various Districts were now empowered to sit in the national assembly, with the aim of de-radicalising any rural grassroots challenge to the conservative inheritors of state power from the departing colonialists.

The definition of democracy used here involves the ability of a people (the electorate) to choose freely on a regular basis between competing groups of potential governors to conduct the affairs of state. This involves a periodic submission of the governors to the governed to account for their stewardship. In order for the governed to be able to make considered decisions, the institutions of state should respect not just the right of citizens to choose the government, but their social and political rights should be seen as inalienable. A more elaborate functional aspect of the concept will involve the institutionalisation of structures to foster both political and economic transparency and accountability. In short, democracy in this case assumes a functionalist dimension, and need not replicate the specificity of the liberal democracy, which appeared to be the *bete noir* of the African post-colonial modernisers. Democracy, to the extent that it embodies the will of the governed and the consent of the latter to be ruled will not only endorse and enhance state legitimacy, but will unleash the energy of the people for the great transformation that is so badly needed in Africa. Now for
this project to be realised political institutions must uphold the rule of law; that is, in any dispute, it is imperative that hearings be conducted by impartial persons arriving at decisions that are respected by both parties. The failure to democratise explains the growth of ethnic identity and a top-down agenda imposed upon the peasantry.

As Schatzberg has noted not all moves away from autocracy can be labelled as processes towards democratisation; to do this is 'to confuse a normatively desired goal with a complex series of political processes whose outcome is far from predetermined' (Schatzberg, 1997). Democratisation or its transition is the process that should lead a polity to democracy. Thus he observed: 'Democratisation ... is a term used retroactively, after certain democratic thresholds have been crossed'. Schatzberg took a very pessimistic view of democratisation in Africa claiming that, 'unfortunately, in most of Africa this has simply not yet occurred' (Schatzberg, 1997:144).

Democracy: Is there an Alternative?

After the honeymoon of the early post-independence years, African governments without exception abandoned all attempts at constructing democratic structures and the accompanying milieu for sustainable economic development. Even the minimalist democratic structures, which were inherited from the departing colonialists, were gradually removed in the name of African appropriateness. From the decade of African independence in the 1960s down to the wasted decade of the 1980s, African governments failed to grasp the nettle of democracy. The reality is that African political leaders of both Left and Right persuasions have argued rather unconvincingly that democracy was a Western phenomenon sui generis and that it was antithetical to the African spirit. On the Left, democracy was equated with capitalism, and as such was a foreign ideology. On the petty bourgeois obsession with rejecting foreign ideologies, the Tanzanian social scientist and activist, Issa Shivji has warned that:

An attempt to apply scientific theories, evolved out of an accumulation of mankind's knowledge, is dubbed as importing 'foreign ideologies'. And, paradoxically, this by the petty bourgeois intellectuals whose mental laziness has not allowed them even to read about these so-called 'foreign ideologies' (Shivji, 1974:17).

Shivji's diatribe was unleashed against an obscurantist bureaucratic bourgeoisie in Tanzania, nonetheless, his observation is true of similar groups the length and breadth of the continent.

It was argued, particularly by the ideologues of 'African Socialism', such as Julius Nyerere, Sekou Touré, and Kwame Nkrumah that the essence of the African is communocratic, and that it was the colonialists who by implanting capitalism ipso facto introduced class divisions and contradictions among African peoples. For African Socialists if the imported infrastructure was capitalist, then the alien superstructure was democracy: that system of governance, which was designed to deal with class contradictions and divisions in bourgeois societies (Babu, 1981).

On the Right, and for people like Jomo Kenyatta, Felix Houphouet-Boigny and Kamuzu Banda, democracy was not only seen as alien, but it was divisive by rousing ethnic identities, thus putting obstacles to the developmental effort. Clearly, those who are now in formal control of the state apparatus will not concede to the existence of inequalities, class divisions and class contradictions, for in so doing the exploiters and oppressors would no longer be foreign, and 'the departed colonialists' but
indigenous, the petty bourgeois itself. It is for this reason African leaders always found scapegoats in racial and ethnic minorities: Asians in East Africa, Tutsi in Rwanda, Mandingoes in Liberia, Lebanese in Sierra Leone.

The perceived African solution to the problem of political governance was the one-party state. In no time the idea of, and practices of this monolith spread through the continent like a bush fire in the harmattan. Leaders such as Nkrumah, Nyerere and Touré tried to indigenise scientific socialism by stripping it of its essence of class contradiction as the motive force in history, by substituting a harmonious spirit. Kwame Nkrumah called for Consciencism, Nyerere imposed Ujamaa Vijijini, and Kenyatta called for Harambee. These early modernisers of Africa, unwittingly denied Africa's contribution to, and her embeddedness in the project of modernity, by denying her contribution to capitalist civilisation. For them, their continent was still immersed in the pre-modern, characterised by ascephalous communities that had remained untinctured by the fall out of the 'Enlightenment'. Africa was homogenised as constituting a communalistic mode of production, thus denying uneven development, hybridity and cultural difference of pre-colonial, colonial and post-colonial Africa.

For Africa's post-colonial modernisers, the juggernaut to pull the continent out of its alleged pre-modern slumber was the one-party state. Paradoxically, the asphyxiating one-party system was described as a democratic system, even by those such as Siaka Stevens in Sierra Leone and Kamuzu Banda in Malawi who denied citizens fundamental human rights, such as the rights to vote, free speech and freedom of association. As an ensemble of all shades of political persuasions, economic social and ethnic interests, the one-party system, it was argued was a better basis of governance than the competitive multi-party system that was said to be alien to the African condition. In reality, the dictatorship of the one-party state struck a detrimental blow at Africa's developmental prospects by denying the people a voice and by sapping their energy. The technocrats who were supposed to be the human engine of growth voted with their feet by leaving Africa in droves for greener pastures and a more tolerant socio-political milieu in the developed capitalist world.

The one-party state was an ideology sui generis. It provided the camouflage for petty bourgeois accumulation and its accompanying subordination of the peasantry and other subaltern groups. The period of one-party rule was marked by the absence of free and fair elections. In many cases elections were simple political sham. Long serving Vice-President of Sierra Leone, S. I. Koroma argued that if he did not win elections 'by the vote' he would do so 'by unopposed,' that is, by declaring the Government's candidates unopposed; and failing that he would win 'by announcement' on state-controlled broadcasting outlets. The traditional rulers whose control over their subjects was not challenged by the post-colonial modernisers, were allowed total autonomy over their subjects provided, they delivered the votes at 'election' time. Those who failed or were seen to be co-operating with opposition forces were promptly removed from office. By the late 1970s, many African leaders were de facto presidents for life (Kamuzu Banda, Felix Houphouet-Boigny, Siaka Stevens) and President Jean Bedel Bokassa of the Central African Empire actually crowned himself emperor and his wife Empress.

The lifeline of the one-party state was the 'shadow state' based on neo-patrimonial rule, which in turn provided the basis for widespread political and economic corruption. The fine line between, on the one hand, public revenue and resources, and on the other hand, private ownership became increasingly blurred. Political and
economic transparency became things of the past. African public bureaucracies were almost at a stroke transformed into patrimonial bureaucracies, and recruitment and loyalty were to les patrons. Africa’s modernisers were able to hold on to office, thanks to the cold war and super-power rivalry, which sanctioned the need for political protégées. Thus Mobutu Sese Sekou of Zaire raided Zaire’s national treasury with impunity. He justified his rule as defender against the spread of communism, and called on foreign troops to put down popular uprisings. The regimes in Angola and Ethiopia’s Derg continued to exist, thanks to the support of the ‘Socialist Bloc’, whilst Siad Barre of Somalia played both sides against each other by switching sides as he wished. Again in Angola, Jonas Savimbi’s UNITA laid waste large track of his country in futile war, even after he had lost internationally supervised elections, apparently, no one told him that the cold war had ended. Whilst the equally barbaric Renamo accepted the verdict of the post-civil war elections, this was not until most of Mozambique’s countryside had been riddled with lethal landmines.

By the early 1980s, the one-party-state chickens were coming home to roost, as successive African governments started running up large balance of payment deficits triggering off widespread indebtedness. These imbalances soon constituted the eye of the storm of the African crises, with the result that scores of African Governments now had to troop to the International Financial Institutions (IFIs) for aid via the structural adjustment programmes (SAP). The conditionality of the Fund and Bank helped to further expose the fragility of African economies, as it led to the impoverishment of large sectors of African society, thus unleashing social forces, which now were prepared to challenge for control of the state (Mohan, et al. 2000).

**Democracy & the State in Africa**

By the late 1980s and early 1990s African states had arrived at a critical juncture with mounting pressures from domestic and international forces for change (Villalon & Huxtable. 1998). This agitation for political pluralism coincided with the fall of the Berlin Wall, the end of bipolarism and the emergence of unipolarism with the United States as the sole military hegemonic power. Former President Bush with a sense of triumphalism announced a New World Order, however, for African leaders it was presumed, ‘business as usual’. In no time credits and loans dried up as contributions from the Soviet Bloc melted away and Africa now had to compete for an ever-dwindling loan stock from western donors, with stiff competition coming from the emerging democracies of Eastern Europe. Meanwhile, international creditors such as the IMF and the World Bank were recalling in their loans, accumulated from the decades of profligacy of the 1970s and 1980s. Soon chronic balance of payment deficits were transformed into perennial crises as government expenditure continued to outstrip revenues. This downturn in the economy resulted in widespread unemployment and the inability of political leaders to finance their patron-client networks.

Whilst external pressure grew after 1990, it is important to note that the decisive pressure for democratic change came from within Africa and this was very much precipitated by the economic crisis (Haggard & Webb, 1994). The collapsing infrastructure, the deteriorating economic situations, the falling standard of living and the absence of political space to express some of these concerns led to two important developments: first, with a renewed sense of purpose, civil society started flexing its muscles resulting in widespread demand for political pluralism which various governments had ridiculed; second, the 1980s and 1990s witnessed the rise of social movements challenging for state hegemony. These new movements differed
from the challenges of the past, which were based on the activities of rogue military officers trying to put forward military interests on the national agenda. The new social movements such as the National Resistance Movement of Uganda, the National Patriotic Front of Liberia and the Revolutionary United Front were populist in nature. They embarked on guerrilla tactics including the seizure of women and children to fight in these civil wars. The call from these movements, and other agencies of the now revitalised civil society, was a return to multi-party government and an end to kleptocratic rule. There was unceasing pressure for the reconfiguration of the state both internally and from donors.

As the triumph of neo-liberalism gained momentum in the developed capitalist centre, the IFIs led the charge to promote liberalisation in the semi-peripheral and peripheral areas. As far as Africa is concerned the neo-liberal counter-revolution took two forms: first, the grand project of destatization in order to promote liberalisation (Ilonvbere, 2000); second the rediscovery of the potential function of civil society in peripheral formations. Indeed, the neo-liberal agenda has been characterised as the state-civil society debate and as ‘the hegemonic ideological project of our time’ (Beckman, 1993:20).

The expressed aim of the neo-liberal project is to free the entrepreneurial potential of civil society from the omnipotent and omnipresent hostile state. The state is variously described as ‘vampire’ (Frimpong-Ansah, 1991), ‘Lame Leviathan’ (Bayart, 1993), and repressive, and as such the state itself has not been subjected to the discipline and imperative of the forces of civil society resulting in widespread inefficiency, authoritarianism, parasitism, rent-seeking and patronage (Beckman, 1993). Contributors to this journal have challenged the neo-liberal project over the years (Beckman, 1993; Allen, 1997; Szeftel, 2000a & 2000b). Beckman has argued that

> the neo-liberals seek to de-legitimise the state, the main locus of nationalist aspirations and resistance to the neo-liberal project.

However, Beckman pointed to the ideological pretensions of the neo-liberal project which seeks to conceal its own massive use of state power for the construction of civil society, as well as concealing its desire to promote capitalist development and the integration of the global market by prodding the state to be more responsive and sensitive to the interests of capital and private property. On the question of the separation of state from civil society, Beckman warned that civil society does not exist independently of the state, and that, ‘it is situated in rules and transactions which connect state and society’ (Beckman, 1993:29). For Beckman, an examination of the ‘public service nexus’ will reveal it as the locus of a plethora of organised community interests, including professional associations and community development groups.

Chris Allen in his critique of the neo-liberal re-discovery of civil society, described the concept as vacuous and vague, and then went on to pose the question: ‘who needs civil society?’ Drawing attention to both the proliferation of NGOs in Africa as a form of state surrogate, and the conflation of NGOs with civil society, he concluded that ‘it [civil society] is neither a necessary nor a sufficient condition for democratic struggle’ (Allen, 1997:336). Thus he concluded that:

> apart from the grant-seeking NGOs and the academic, it is proponents of the 'liberal project' who need civil society: Western governments (Allen, 1997: 337).
Szeftel has unleashed a sustained critique of the neo-liberal project, in particular, the effort to reduce corruption and the search for good governance (Szeftel, 2000a, b). In his view there is a clear tension between the neo-liberal attempt at destatization and the need for petty bourgeois (local) accumulation, which rests heavily on political power, and corruption is an important vehicle in this process. Like Ihonvbere (2001), Szeftel pointed out that the state remains central to the overall process of reconstruction and accumulation. Ihonvbere observed:

*In the struggle to rebuild the nation-state, construct identities, and build new platforms of inclusion, participation, and politics, the state remains a critical factor and actor (2000:59).*

Szeftel has noted that corruption represents a threat to the programmes and activities of creditors and donors alike. Yet attempts to fight corruption in this way will involve ‘reducing the ability of state officials to impose political costs on business by appropriating resources for themselves’ (Szeftel, 2000a:288). Fundamentally the raison d’être behind the ‘new intolerance of corruption’ is the need to speed up the intensification of the internationalisation of capital by promoting ‘market capitalism and the liberal democratic state as the only institutional arrangements appropriate for globalisation’ (Szeftel, 2000a:289).

In particular, the curative programme for African economic ailment, structural adjustment, is seen as an attempt to open local markets to global capital flows. In hemming in African economy and society into the global capitalist economy, ‘the donor strategy creates both opportunities and problems for African petty bourgeois politicians by … [providing] new opportunities for accumulation outside the state, not least through new aid funds, privatisation of state assets and some trade opportunities; but it also threatens the large proportion of the petty bourgeoisie who are dependent on the state’ (Szeftel, 2000a:295). This threat comes from the conditionality (attacking patronage, and retrenchment) accompanying structural adjustment, and the privatisation of state resources – a major locus of petty bourgeois accumulation. In Szeftel’s view, donors’ anti-corruption crusades ‘seldom challenge the link between corruption, on the one hand, and patterns of private accumulation and clientelist political mobilisation, on the other’ (Szeftel, 2000b:428). Not surprisingly, such crusades never received more than a limited success.

The working of liberal democratic politics for Szeftel is doomed to failure for three fundamental reasons: the historic nature of underdevelopment stemming from the legacy of slavery and colonialism; the nature of the post-colonial mode of accumulation and political mobilisation; and the inherent fragility of the post-colonial state. Thus he concluded:

*Historical experience made it unlikely that the market forces which had produced underdevelopment and exclusion would mysteriously reverse themselves once independence was attained. Moreover, the market and private property were associated with foreign domination and racism. Thus, inevitably, the new state was central to African aspirations. Power was to be the engine for development and for individual job opportunities and upward mobility. For many, the state was the means through which past discrimination would be redressed and private wealth promoted (Szeftel, 2000b:431).*

In short, contrary to the neo-liberal dictate, the state ought to be central in any project of economic and political transition. Indeed, one early attempt at explicating corruption in Africa is the argument, that corruption is an attempt on the part of the governing class to suture the divide between the ruling class (controllers of the major
means of production) and the governing class, who are in formal control of the state apparatus (Zack-Williams, 1983; Zack-Williams & Aleimika, 1983). However, as Szeftel has warned:

*Unfortunately, the state was not equipped to bear this burden. Underdevelopment and dependence on primary exports gave it an uncertain revenue base which constantly undermined development strategies. More importantly, the colonial institutions inherited by the independent state were inappropriate for the project of social renewal.*

By the late 1980s democratic governance had become part of the neo-liberal conditionality of the Fund and Bank, nonetheless, it was the spread of protest against the deteriorating economic situation, which impelled protesters to call for a new political system. The loss of political surrogacy status (on the part of the governing class) in a unipolar world, emboldened civil society in the search for political space, as well as gave a fillip to social movements in the contestation for state hegemony. For example, in the early 1980s there were some twenty protest incidents each year on the continent, and by 1991 this number rose to eight-six across thirty countries (Bratton & Van de Walle, 1998). This rise in the number of protests was also quickly followed by an upswing in the number of multiparty elections held after 1991, as ruling parties sought a *modus vivendi* with the emerging order. Critics of the status quo argued that the poor economic performance and the growing marginalisation of Africa from the global economy were the results of bad governance and a vampire state, which had not only stifled civil society, but had sapped the energy of the people casting the authority of the state now into question. In the resource-rich, but economically and politically mismanaged country of Sierra Leone, agitation for a return to multi-party rule was led by students, the teachers union and members of the Bar Associations who were warned by the leaders of the ruling party that they could be charged with treason for demanding multi-party elections in a one-party state.

Soon, the strengthening of civil society became a major point on the developmental agenda, and it was not long before various agencies of civil society were being trained for their task of taming the omnipresent state. Within a short period of time, African economy and society were under the yoke of northern non-governmental organisations (NGOs), as the role of the state was severely curtailed under ideological canons of the IFIs. The erosion of the functions and powers of the undemocratic state was quickly paralleled with the proliferation and strengthening of the non-accountable NGOs, as the African state lost its ‘developmental status’.

The decade of the 1990s, which ushered in a New World Order, also marked the end of the era of kleptocratic autonomy, as dictators now had to face a more vibrant civil society. Indeed, some observers celebrated this process of democratic renewal as a ‘second liberation’ (Ekeh, 1997), as dictators gave way to democrats. However, not all African leaders submitted themselves to this process of democratic renewal. For example, in Nigeria, military strong men Abacha and Babaginda reneged on their promise to return the country to democratic rule, and embarked on the Nigerian political pastime of ‘permanent transition’ to democracy (Beckett & Young, 1997). Moshood Abiola winner of the June 1993 presidential elections was quickly arrested and detained in solitary confinement until his death in 1997. In Zaire, Mobutu seemed unaware that cold war protegeism had ended. With no ‘international god-father’, Mobutu was quickly pushed into exile by the popular forces of veteran political campaigner, Laurent Kabila. In other states such as Sierra Leone, Liberia, Sudan, Rwanda and Somalia the long absence of democratic infrastructure soon took its toll as all these countries were plunged into bloody civil wars from internal social forces.
Problems of Democratic Renewal

Whilst the wind of democratic change has been blowing across Africa for well over a decade now and has swept away many a dictator in its wake, it is clear that it has not taken deep roots. The trend in transition to multi-party competitive elections is not unilinear as many countries such as Ivory Coast and Sierra Leone experienced reverses and backslides towards one-party rule or military dictatorships. However, we can point to the beginnings of democratic renewal. There is still a long way to go in order to consolidate democratic institutions and effect change in political culture, in order to unleash the energy of the African people for economic transformation and sustainable development. Ottaway has pointed to a number of structural obstacles in the path of democratic engagement in Africa (Ottaway, 1997).

The first point she noted is the split between an ideological climate that is conducive to democratic renewal and a dysfunctional political climate. Thus Western governments continue to press for democratic engagement, whilst at the same time support is given to autocrats such as Daniel Arap Moi in order not to destabilise Kenya’s ‘infant democracy.’ Second, the fact that the transition to democracy will inevitably mean a major rupture from the immediate authoritarian past, may involve conflicts and in some cases bloody conflicts, with no certainty that ‘the good guys will win’ (Ottaway, 1997:2) leading to reversals and political closure. Third, democratisation by necessity involves a change or restructuring of political power and processes; failure to achieve this might lead to the democratic process itself being aborted. This is particularly so given the rather confused state of what is now being designated as civil society by the international NGOs. As noted earlier, the latter in recent years seem to have usurped much of the power and functions of the state. Fourth, a major threat to democratic renewal is the parlous state of African economies. Africa’s economic decline took momentum after the 1973 oil price increases from whence there has been no recovery to date. The resulting balance of trade deficit has left Africa a heavily indebted continent with 33 of the 41 heavily indebted poor countries to be found in there (UNDP, 1999). Africa’s external debt in 1997 was $311 billion, of which the impoverished sub-Saharan countries accounted for $161 billion (UN, 1999). Sharp declines in exports, the debt burden and the corrective measures to rectify Africa’s macro-economic problems have all rendered Africa a very troubled land that is heavily dependent on food aid to cover food deficits. In 1998, twenty-two African states were recipients of Enhanced Structural Adjustment Facility loans from the IMF, and governments budgets have been constrained by the narrowness of the formal economy and poor economic performance in some cases itself being the result of conflicts, which have disrupted markets.

Finally, there is the danger that former dictators may become wise to the new dispensation and would use the slightest available opportunity to hijack the processes of political change. In this respect, whilst Mathieu Kerekou failed to impress the electorate of Benin, Paul Biya in the Cameroon was able to survive such political change. The lesson should have been learnt: there is no short cut to democracy, and equally, democracy is a sine qua non for development. However, as Mamdani observed: ‘without thoroughgoing democratisation, there could be no development of a home market’ (1996:288). Instead of re-affirming Barrington Moore’s famous edict ‘no bourgeois, no democracy’, the new maxim for the twenty-first century should read ‘no democracy, no development’.
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Endnote

For similar minimalist view of democracy, see, N. van de Walle, ‘Economic Reform and the Consolidation of Democracy in Africa’, in M. Ottaway, Democracy in Africa: The Hard Road Ahead, Lynne Rienner, 1997, pp. 15-42. Thus he observed: ‘I adopt an entirely procedural and minimal definition of democracy. Africa’s post transitional regimes are defined to be democratic as long as they schedule multiparty elections on a regular basis an as long as the government more or less observes the political and social rights of the vast majority of the population’ (pp.16).

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The Ethiopian Coffee Filiere & its Institutions: cui bono?

Roy Love

From the middle of the last century coffee has been the major source of foreign exchange for the Ethiopian economy and its governments. The bulk of production comes from small-scale peasant producers located in parts of the south, southwest and east of the country, from where it is channelled through a largely privately owned marketing system to auction in Addis Ababa or Dire Dawa. It is then purchased by exporters for further processing and onward shipment. This marketing structure has evolved in a highly regulated way, comprising a set of institutional relationships which are not the product of chance and which in a number of respects predate both the current government and the Derg. As such the coffee filiere offers an interesting case study of the relative merits of an analysis built upon the principles of ‘new institutional economics’, where efficiency is the benchmark, and one which adopts a more historically based political economy approach in which power and control are the markers. The distinction is not always transparent.

Introduction

In 1998 coffee exports were responsible for about two-thirds of the foreign exchange earnings of the Ethiopian economy. Coffee is the major cash crop of the country and is frequently claimed to provide a livelihood for about 25 per cent of the country’s population (ICO Country Study, 1998). Of the total annual production of around 250,000 tonnes about half is consumed domestically. The main coffee growing areas are in the east, south and southwest of the country and are not the parts that have been most directly affected by drought, war, displacement and famine, though in many cases secondary effects have been considerable. However, because of the attention given to problems of food security in the more drought prone parts of the country where subsistence agriculture predominates, the cash export sector has been subject to relatively little analysis in recent decades. This is not to say that coffee growing farmers have necessarily prospered during this period but rather that their problems have not been at the forefront of research and policy formation. Yet, in an economy with a low industrial base and relatively unmodernised service sector, this major source of income generation is of crucial significance in the political economy of the country as a whole, as a brief glance at the past readily demonstrates.

Research has shown how the 19th century expansion into the southern parts of the country was motivated in part by potential coffee wealth, how this contributed to the rivalries for power in the early 20th century, how it was a factor in the Italian invasion and how it underpinned the formation of a capitalist landowning farming class in the
decades immediately before the revolution of 1974 (Holcomb & Ibssa, 1990; Tsegaye Tegenu, 1996; Parkhurst, 1968; Larebo, 1994; Shiferaw Bekele, 1995; Guluma, 1986; Ayana, 1995; McCann, 1995). For the Derg, coffee provided the principal source of foreign exchange to service debt and to purchase essential imports as well as being a channel for the diversion of surplus out of agriculture. The latter was true also of the Haile Selassie years and remains substantially true for the present government. The point is, therefore, that coffee is not only of great economic importance in terms of livelihoods and macroeconomic stability, but that control over the wealth which it is capable of generating is also of great political import. It is a contention of this article that the institutions which structure the production, marketing and distribution of coffee in Ethiopia owe as much to political motivations and objectives as they do to the imperatives of economic efficiency, and that this is no less true under the present polity than it has been ever since coffee started to become a major international cash crop more than 100 years ago. I shall attempt to separate out the various strands in the sections which follow.

**Institutional Economics?**

Recent years have seen a revival of interest in the role of institutions in economic behaviour, arising from a recognition, amongst policy makers in particular, that simplified neoclassical models of markets cannot be expected to make reasonable predictions of behaviour without cognisance of key institutional parameters. Even the IMF has come round to admitting that its good governance agenda must include appropriate institutions for the enabling of market efficiencies. At the theoretical level, in what has come to be known as the New Institutional Economics (NIE), the importance and nature of institutions in the marketplace has also been extensively recognised and explored. This large body of literature is amply summarised elsewhere (Eggertson, 1990; Hodgson et al. 1994; Rutherford, 1997) and we need only note a few of its essential aspects here. Following a seminal paper by Coase in 1937, much is made of the costs of transacting. Market exchange is not costless, except in an artificially idealised world, and the various forms of institution which can be observed affecting markets are interpreted as serving to facilitate exchange in a context of uncertainty and risk. This may be to overcome problems of collective action, to counteract asymmetric information, or to enforce contracts. The pattern of institutional relationship which is most appropriate to a given society will also depend, *inter alia*, on the existing structure of property rights and how these encourage or inhibit the growth of an exchange economy. Other things being equal, the institutions which emerge, and survive, over time in any society are claimed to be those which improve the efficiency of market exchange. It is clear from this that the NIE is an extension of neoclassical economics in taking account of transaction costs, and that it therefore continues to take as given the optimising objectives of individual players who will act in a pre-defined rational way (which will also underlie the motivations for collective or collusive action).

Of course, the real world must be taken into account, and Douglass North, for instance, shows that organisations that are inefficient in neoclassical terms can from time to time emerge to serve the interests of powerful groups and which may then persist for long periods of time through the phenomenon of 'path dependence' when a society may get 'locked in' to a particular institutional framework (North, 1990:98-9). However, ultimately, according to many in the NIE school including North, changes in relative prices will render these 'inefficient' institutions unsustainable and they will be replaced, possibly accompanied by some form of social or civil upheaval, by
more efficient ones. ‘Efficiency’ throughout this discourse, is naturally used in the neoclassical sense of the allocation of resources through market exchange until a Pareto optimum is reached.

In looking at the production and marketing of coffee in Ethiopia it then becomes important for NIE protagonists to assess the extent to which the present institutional (i.e. organisational) structure is one which approximates to the ‘efficiency’ needs of the industry in a conventional sense, and whether its evolution in that direction is being facilitated by present government policy.

Alternatively, by stepping outside the neoclassical paradigm, wider questions can be addressed in which the coffee marketing structure is seen as the product of a number of historical forces. In serving the needs of certain powerful groups in the past, for instance, has a pattern been laid down which new interest groups are now moulding to their own advantage? Such questions introduce issues of power and control, behind which are often supplementary questions about class and exploitation, areas and concepts about which the NIE has little to say. It moves us on to a more political economy based analysis. They also highlight the limitations of ‘chain’ analogies in the analysis of commodity markets with their implications of discrete links. In what follows I adhere more to the French concept of a commodity filière (or sequential channels), whereby continuities are stressed and in which the political is as relevant as the economic and financial (Bernstein, 1995; Raikes et al. 2000).

The Rural Coffee Institutions

This topic may be looked at as a series of overlapping layers. There are those organisational and institutional forms which relate specifically to coffee; there are those of rural society in general; and there are those of a broader nature which draw rural communities into the national and international picture. I shall take these in turn.

Rural Institutions & Coffee

A conventional market survey would highlight the following: with the Land Reform Proclamation of 1975 the majority of farmers are smallholders, the average coffee holding in Kaffa, Illubabor and Wollega, for instance, being between 0.8 and 1.4 ha (Tessema, 1994). Around 55 per cent of coffee production is estimated (there are no accurate figures) to come from semi-forest land and 40 per cent from so-called ‘garden’ plots. The balance of 5 per cent is produced on state-owned estates which are largely the nationalised farms of former large-scale private farms before the revolution of 1974 (ICO, 1998). The bulk of the latter is washed on the estate before being shipped to the central auctions in Addis Ababa or Dire Dawa. About 88 per cent of smallholder coffee production is sun-dried on the farm before being sold to a local dealer or sebsaby (possibly via a dehuller) who then sells it on to a bulk consumer or akraby, the latter decorticates, sorts, bags and ships to auction. A small, though increasing, proportion of smallholder production is sold to private, or sometimes cooperative, pulperies for washing and forwarding directly to auction as ‘washed’ coffee. Virtually no sorting takes place on the farm; sebsabies collect small volumes from a number of farmers, bulk it indiscriminately and sell it on to the akraby who finally does a sort. The result, which is shipped to Addis, may therefore be classified at grade 7 or 8, according to recognised physical criteria such as number of stones, defects or misshapen beans in a 300 gm sample. For export quality this has to be raised to at least
grade 5 by the exporters who buy at auction. Farmers also sell small quantities
directly in local markets. Some growers will be tied to particular buyers if there is a
linked credit arrangement though this is not generally widespread.

The state intervenes in a number of ways. It is an official requirement to sell sun-dried
coffee beans in the first instance either directly in the local market or to a locally-based
akaby or sesaby, the latter of which must then sell on only to certified akraby. This is
followed by Government inspection regarding volume and grading on loaded trucks
before they leave for the auction markets in Addis Ababa and Dire Dawa (in the case
of Hararghe coffees). The state also intervenes in defining the administrative
boundaries within which sebsabies and akrabies can operate. In this environment it is
difficult to disentangle the extent to which the structure of small and large trading
firms that have emerged is a response to the costs of transacting in rural areas or is the
product of government regulation intended to ensure that coffee not intended for
immediate local consumption is channelled to the central auctions. The two may not
even be mutually inconsistent, though the problem of economic rent may be present.

The broader institutional environment also includes the various means by which the
state at national, regional and local level affects agricultural activities through
extension services, land taxes, income taxes, registration of companies, licences of
vehicles and licences to trade. It also, and fundamentally, includes legislation over the
structure of property rights, particularly with regard to land. During the decades
before the 1974 revolution the role of the small coffee farmer, though still important,
was gradually diminishing as larger, privately owned estate farms were expanding as
part of a wider process of capitalist development in agriculture (Guluma, 1986;
Shiferaw, 1995). This gradual move from garden to specialised production would
tend to increase average yields and quality (though research on this regarding coffee
in Ethiopia at that time has yet to be consolidated) with implications for the quality
and volume of coffee reaching the auction. In due course the role of the auction itself
might have altered if larger estates, as in other countries, sought to make their own
agreements with exporters. The present government’s decision not to return to a
system which allows private ownership of land will ensure that smallholding
production remains dominant and this in turn implies that the existing post-harvest
distribution system of local collectors and intermediate bulkers may arguably remain
as the most efficient market response. It will also encourage the growth of local, small-
scale pulping stations for washed coffees. That is, given state intervention in land
tenure arrangements for political purposes, then certain market structures will tend to
follow. Furthermore, to the extent that small farmers continue to be risk avoiders
which is a function of price and perceived security of tenure, they will also tend to
continue with mixed production methods.

On the other hand, there is also scattered evidence that subleasing, mortgaging and
sharecropping is re-emerging in many areas (Tessema, 1994; Abebe, 1999), and that
certain regional states (e.g. Amhara) are interpreting the Land Proclamation and the
Constitution in ways that allow certain forms of what is in effect a reallocation of land
to take place (Yigremew, 1997, 1998). What we may be witnessing here is the
evolution of new institutional forms, or at least the re-emergence and re-formalisation
of old ones as a response to the closing down of a market in land ownership. What is
emerging is perhaps a market in usufruct rights, with its structure driven by a
combination of transaction cost minimisation, changing relative prices (crops, labour,
capital, inputs) and in many cases a legacy of impoverishment and debt from the past.
The impact of such variations on land use entitlement in coffee growing areas is
complicated by the time it takes for new plants to begin bearing fruit with most agreements being for the harvest of existing trees.

The Impact of Later Stages of the Marketing Chain or Filiere

An understanding of the later stages of the marketing chain is obviously important in itself, especially when regarding the overall filiere, but for purposes of the present paper I shall confine myself only to those aspects which impinge most directly on the earlier, rural stages. These are several and may be broken down into those which arise from within the country and those which have an international source.

There is, first, the effect of the terminal auctions in Addis Ababa and Dire Dawa, through which all exporters must buy their coffee. Although the idea of an auction is that prices are openly and competitively determined, it has not been an entirely unhindered process in Ethiopia. There is a Price Differential Committee which, though meeting infrequently today, met weekly throughout most of the 1990s under the authority of the Prime Minister's Office to determine a recommended range of prices for the different types and grades of coffee, adjusted for export destination. This had the effect of defining minimum prices, below which export agreements would not be sanctioned by the National Bank. This Committee takes as its guide the international spot and forward prices as reported in the New York 'C' market, where a basket of Brazilian type Arabica is taken as the benchmark for setting the price for 'Jimma 5' and other Ethiopian coffees of different grades from the four major regions: Nekemte, Limu, Sidama and Harar. Although one effect of this is to prevent loss making situations amongst exporters and to create a sense of stability, another is that exporters cannot easily take advantage of a falling market to remain competitive having a knock-on effect on demand further back in the chain. Thus, although the world price of coffee is determined outside the country with Ethiopian production too small to have any global influence, the effect of this on growers within the country is felt only as it filters through the PDC, the National Bank, the exporters and the auction. Initial studies by the author indicate that farmers receive around 60 per cent of the FOB export price but that they also tend to experience greater price volatility than merchants or exporters within the country. This is as might be expected where supplies are harvest driven, and originate from large numbers of very small producers. It will clearly affect farmers' propensities to invest, to incur debt and to risk change, all of which tend to reinforce existing institutional networks at the local level.

A second effect of the auction is that it will tend to inhibit the development of vertically integrated firms within the country; that is, it will restrict the possibilities of cooperation between akrabies and exporters. The absence of an auction in other countries indicates that its presence may increase transaction costs, including those of uncertainty, and that this will again affect the price given to producers as akrabies attempt to cover their risks. On the other hand, vertical integration could lead to larger firms with more power to influence local markets to the detriment of small independent farmers. To the extent that such a situation is prevented by the presence of the auction then farmers should benefit from continued competition amongst sebsabies and akrabies, though licensing constraints may introduce an element of bureaucratic rent which may cancel this out. The auction may also have been a barrier to the involvement of multinational corporations, which are virtually absent in the Ethiopian coffee chain.
Third, and relatedly, there are informational asymmetries between exporters who buy at auction and **akrabies** who sell. In general, the larger exporters and those who are members of the Ethiopian Exporters Association have access to daily Reuters reports on international prices and market conditions, indirectly or through various subscription web sites, while the **akrabies**, **sebsabies** and farmers based in the rural areas tend to rely (a) on Government radio broadcasts which give more limited information on local auction prices and (b) on informal feedback from the Addis markets. To cover their greater risk, **sebsabies** must discount the prices offered to **sebsabies** or farmers. In other words, the average spread between the buying and selling price of the **akraby** will be higher with the auction than without it.

Finally, the relationship between the very large domestic market for coffee and the marketing system has been little researched but the official requirement that coffee to non-growing areas has to pass through the central auctions being classified then as export reject quality has implications too for the institutional structure in the growing areas themselves. Wholesale activities geared at domestic markets will, for instance, be located in Addis Ababa or Dire Dawa, not in the rural growing areas, and the development of forward contracts by groups of farmers or estates to supply other parts of the country will be impeded. For this reason too there is little point in final grading between export and domestic quality before the auction.

**The International Lock-in & Rural Repercussions**

If one regards the production, distribution and ultimate consumption of coffee as a continuous *filiere* where a dominating influence at one stage may impact on other stages, we must recognise the possible ways in which the operations, or perhaps even the characteristics, of rural institutions are affected by certain international aspects. Clearly, one important example of this is in the way that Brazilian harvests so dominate the annual world supply that their variability also determines world price movements. Thus, the tendency for prices to fluctuate substantially on reports of frost at the wrong time in Brazil, for example, adds a significant degree of uncertainty to the expected incomes of all those involved in the coffee trade in Ethiopia. The institutional structure of the Ethiopian coffee market will to some extent reflect how different groups (including those in government) attempt to cope with this uncertainty. The international coffee market has also been the subject of considerable political intervention during much of the second half of this century and this too will have influenced the direction taken by individual governments in protecting their own interests. Ethiopia, like other producers, has also faced restrictions on the import into the European Union of processed coffees, and its exports have to satisfy international standards of quality in order to compete with other supplying countries.

The question of quality control is interesting. It is clearly not aimed at protecting domestic producers (i.e. growers) in the major consuming countries as these are relatively unimportant or even nonexistent. The demand for standard qualities and grades dates from the early years of the 20th century in the US, and came from buyers and processors, originally independent roasters for the fresh coffee market and now a combination of these and bulk buyers for the ‘soluble’ or instant coffee processors. They are thus the outcome of product standardisation and associated technological requirements in the consuming countries. As Roseberry points out in his discussion of Latin America, this has inevitable effects on the structure of production and distribution of power and profit in the growing areas (Roseberry et al. 1995). The actual process of grading largely takes place in the exporting countries, in part.
because of cheap labour for hand sorting and in part to minimise transport costs and because there may be a local market for rejected beans. Prior to export, therefore, green coffee beans must satisfy certain internationally recognised standards in terms of defects, size and appearance of the bean and flavour. As far as the domestic suppliers are concerned this is an opportunity to capture some added value but precisely who gains will depend upon the domestic market structure. In Ethiopia at present this is at the level of the exporters and akrabies rather than the farmer. An understanding of why this should be requires discussion of political and historical factors as much as economic ones.

Thus, although the volume of production exported from a country like Ethiopia may not be sufficient to enable its politicians to influence world coffee markets in any real sense this does not mean that there is not a contest within the country between different groups creating their own responses to international price movements and quality requirements. This may even be taken to the overseas buyers' home ground if, say, it takes the form of exporters attempting to identify niche markets and promote Ethiopian coffees as specialities in the global marketplace itself. There is a need for more research on the interface between international market forces and domestic or national productive systems and for the way in which domestic responses work themselves out (Ward & Almas, 1997). An example that affects rural institutions may well be in the present Ethiopian government's decision to retain state ownership of land which, if it provides farmers with greater security, would also be expected to help them in coping with globally sourced market instabilities. In the past, in many countries, the formation of commodity marketing boards, or buying corporations, ostensibly served the same objective, at least for some part of their lives. In other contexts farmer's cooperative movements for buying inputs or marketing produce provide the same function as indeed do exporters' associations.

Finally, a number of both international and national institutions found around the world are a legacy of the controls that were introduced during the era of quotas under the International Coffee Agreements of the 1970-89 period and of the cold war origins of this scheme (Paige, 1997; Bates, 1997). The contemporary version of this is the imposition of structural adjustment programmes which, though not specific to any one commodity, attempt to ensure a liberalisation of markets, and are normally associated with IMF conditionality. In the case of Ethiopia, this has meant depreciation of the currency and the gradual introduction of foreign exchange auctions, the removal of subsidies to agricultural inputs, constraints on state expenditure, and pressure to liberalise export processes via simplified documentation and the abandonment of recommended prices. All this has more recently been counterbalanced by World Bank recognition of some of its failures of the past and of a new emphasis on what they see as the necessity for a supportive institutional framework and a more enabling policy approach to rural development (World Bank, 1998). Despite this concession to the public sector, IMF and World Bank objectives remain the same and their agendas continue to be driven by the same underlying economic models as before.

In all such cases, the question may again be raised as to whether institutions that are observed and the changes that are taking place within and between them can best be understood in NIE terms or in a more historical political economy terms where individual operators are seeking livelihoods from markets that are fundamentally defined by political parameters.
Analysis

As indicated above one approach to analysis is that of NIE. Thus we may say that the way in which the state has defined property rights, in land and in disposal of cash crops, has considerably influenced the rest of the institutional structure of coffee distribution in rural areas. That is, the retention of large numbers of farmers with smallholding rights ensures that individual volumes of output will be small and thus that some form of local primary collector of dried beans will find a role; these will act as intermediaries between farmers and bulkers on a larger scale. This becomes important in guaranteeing uniformity of standards, as beans are sorted under one roof, and obtaining economies of administrative coordination and in bulk transport to Addis and Dire Dawa. Furthermore, those aspects of NIE which deal with principal-agency theory lead us to expect close links between sebsabies and akrabies, where written record keeping is erratic, through bonds of credit and other obligations (Teketel Haile-Mariam, 1973). The same would also apply to the re-emergence of sharecropping between farmers, as a fairly substantial general literature now indicates (Bardhan, 1989; Stiglitz, 1989; Otsuka et al. 1992).

The fact that no attempt to grade beans by quality occurs at either farm or primary collector level may also be accounted for both in terms of difficulty in enforcing contracts and what they contain, and of the principal-agency problems of control and supervision that follow from this. That is, the costs of controlling and of policing the temptation to adulterate supplies (the 'opportunism' of Williamson, 1985) must at present exceed the loss involved in averaging down quality and price at the primary collection level. Thus, grading only begins to take place in the akraby's go-down where it can be carefully supervised. To an extent this delayed arrangement for grading may also be the product of the official requirement that sebsabies be independent operators. If they were to be replaced by employees of the akrapy with an ability to pay farmers a premium for quality then the situation may change. This appears to be the case in Uganda, for instance, where grading begins at farm level. The issue of improving quality control at harvest and in on-farm processing (drying) must therefore address the reasons for the present institutional structure in association with farmers' knowledge and motivations. The latter may be a function of seasonal demands on labour, on a lack of congruence between optimal harvesting times and the need for cash income at certain times of the year (or debt obligations) or perhaps a perception or fear that higher prices received for some of the crop from a household may not compensate for the risk of the rest of it being rejected or receiving a substantially lower price.

This sort of approach to the NIE allows us to identify constraints and structural problems, and to interpret the organisational structure of the market as a response to transactional friction and a given pattern of property rights. This may be a valid interpretation but only within limits, and is even then not without problems. Consultants have identified the role of the primary collectors, the lack of sorting at harvest, the physical presence of coffee beans at the auctions and the extent of regulation at all levels as sources of inefficiency, and yet these are all seemingly entrenched practices. Recommendations to ameliorate or improve them in this technical sense will only succeed if the reasons for their continued existence are properly understood and for this an appreciation of cultural and historical elements is essential. The point can be made briefly in two ways: the first is that patterns differ significantly between countries and the second is that there are significant continuities over time, but across quite different political regimes, in Ethiopia itself.
Comparative Dynamics: Uganda, Kenya, Tanzania

The major differences between the coffee marketing systems in these countries and that of Ethiopia lies in the stage at which grading begins to take place and in the presence and nature of an auction. In terms of the structure of production it is perhaps Uganda that is closest to Ethiopia with output depending primarily upon some 500,000 smallholders working an average area of between 0.23 and 0.36 ha (for robusta and arabica respectively). Red cherries are mainly sun-dried on the farm, but also graded into FAQ (Fair Average Quality) either there or at the primary processing factories, of which there were some 400 in 1996. Processed beans are then sold on to exporters for final processing (usually via a service company), packaging and shipping. The auction was abandoned in 1991. In Kenya a greater proportion of production comes from large and medium-sized estates though smallholders are still important. Again, initial grading takes place on the farm before proceeding usually to the plants of the Kenya Producers Cooperative Union for further treatment and finally to the central auction in Nairobi where exporters buy it ready for export. The payment system appears to be rather drawn out in Kenya and at times farmers have had to wait several months before receiving full payment from their auctioned coffee. In Tanzania moves have been made in recent years for contracts satisfying certain conditions to bypass the auction, but once again, grading begins at farm level. We may note the following from these selected and summarised observations:

- not all countries run an auction;
- where they do, it may function differently from one country to another;
- a substantial degree of grading and inspection can take place on the farm, even where there are a large number of smallholders;
- in Uganda, producers were obtaining around 60 per cent of the FOB Kampala price in the mid-1990s, which compares with around 75 per cent officially claimed to prevail in Ethiopia today and over 90 per cent in Kenya.

How can one explain such differences? Clearly, they are institutionally based, but why do they differ? They are all also subject to the same international market forces. The NIE would suggest that over time they should be converging towards a common optimal pattern, and indeed the impositions of structural adjustment may be seen as speeding this process along. But this is to ignore the domestic political, cultural and historical trends that also influence the nature and direction of national institutional development. Bates has pointed out, for example, how the involvement of the urban elite in the ownership of coffee lands in Kenya has ensured a different outcome from that in Tanzania where urban-rural connections have had a different history (Bates 1998). In Ethiopia the history is different again.

The History of the Filiere in Ethiopia

It is of interest to see how closely the present coffee marketing structure of Ethiopia parallels that of the past. Before the revolution of 1974 an auction had recently been introduced, and coffee was delivered by licensed akribies who collected from licensed sebsabies (Teketel Haile-Mariam, 1973). There were inspections and road checks, export taxes and sorting principally by exporters. Throughout the period 1974-91 this structure was essentially allowed to continue in parallel with the nationalised state
system, despite the domination of the latter. The question therefore arises as to how the same structure could be appropriate to, or at least be worth maintaining in, three very different regimes? Several explanations are possible:

1) In NIE terms, could it be that although the political parameters changed, certain elements of the structural outcome remained the same: a diverse political environment tending to produce or tolerate the same institutional equilibrium because of the pervasive forces of economic fundamentals? But a similar structure of institutions over time did not lead to the same Pareto optimum at each period. The similarities are too superficial to warrant such conclusions.

2) On the other hand, there could be a strong element of path dependence deriving from the later Haile Selassie period, which may not now be the most efficient but which politically and culturally is difficult to change, or which suits the present regime to maintain in the short term (having similar short-term objectives). This is akin to the discussions by North and others on path dependence and a 'lock in' to inefficient market structures and associated institutions which may prevail for lengthy periods. This implies the common neoclassical presumption that there are ultimately unsuppressable market forces striving to break out of inappropriate institutional constraints at the first opportunity, usually originating in changing relative prices. There is an element of reductionism in this view that is unacceptable to those who are critical of the neoclassical paradigm. Factors in the institutional environment, such as land tenure regulations, cannot be taken as given but placed in their social context where various interest groups (classes, elites) contest power and influence over resources in an ongoing struggle. Having said that, there are also New Institutional Economists who attempt to endogenise the institutional environment in a two-way process that reflects the motivations, ambitions, objectives and decisions of market participants (Stanfield, 1999; Steinmo et al. 1992; Rutherford, 1994). This brings us to a third possibility.

3) There is an underlying continuity of class forces (particularly an emergent bourgeoisie), connected with centralised state power and ethnic dominance for which a centralised, regulated set of institutions remains paramount. The evidence for this is strong. Many have traced the gradual centralisation of state power from the 19th century emperor Tewodros onwards (Tsegaye, 1996; Addis Hiwet, 1975; Donham & James, 1986). Without industrialisation the principal sources of wealth have been from the land and through trade, and every regime of the 20th century in Ethiopia in various ways sought to control and tap the wealth so produced. The gradual transformation of traditional means of raising money through tribute and tithes to forms entailing direct taxation, particularly by the government of Haile Selassie (Shiferaw, 1995:30) was conducted in such a way that could only strengthen the central powers of the state. Likewise, the long tradition of granting concessions to long distance traders, in exacting tribute as they passed through different parts of the country, and in taxing market traders (Pankhurst, 1968) has continued in modified form through to the present with, as we have seen, the structure of the coffee trade in, and from, rural areas remaining highly regulated. This process also ensured that coffee exports are channelled through specified terminal markets within the country and exit via a limited number of ports, thus enabling a final tax on export to be collected, with the involvement of centralised agencies such as the National Bank and offices of Customs and Excise.

The fact that the revenue from coffee export taxes has declined in relative importance to total government revenue (from 6.0 per cent in fiscal year 1969/70 to under 1 per
cent today) does not mean, of course, that coffee activities in general are less taxed. The relative decline of exports as a target for taxation is now balanced by an increase in the capacity of the state to extract a share of the value added at other stages in the production and distribution chain, not simply through direct taxes on incomes, land and profits (Shiferaw Bekele, 1995:65) but also through the entire range of general taxes and licences as coffee generated incomes are spent and the public administrative system improves. The change in recent years to a form of fiscal decentralisation does not necessarily mean that either that elite interests will not continue to influence policy or that they will significantly relax the degree of control and regulation that has been present throughout 20th century Ethiopian history. This is illustrated by the observation that some 80 per cent of government revenues are still collected by the central government. The form may have changed but underlying objectives are similar.

I have attempted to show that while the principles of the NIE may help to understand at a certain functional level, the relationships between different rural organisations and producers this is unlikely to give a complete picture. Comparison with neighbouring coffee producing countries and with Ethiopia’s own past shows that cultural and political factors are also powerful contributors to the distinctive pattern of continuity that is evident and that in any analysis the concept of path dependency has an important role to play in appreciating the constraints on change to the institutional structure. Thus the presence of the auction and its operational characteristics, and the licensing arrangements for sebsabies and akrabies, are all rooted in history. Yet, it is not only the past that is relevant. Contemporary political interests will also be shaping the institutional outcome as they come to grips with the fractured legacy of the past. It would be surprising if, for instance, the present government, given its origins, was not wary about the possible revival of landed wealth reappearing if a market in land were to be allowed to re-emerge. A focus rather on industrial expansion, especially if decentralised, and of building up alternative non-agricultural power bases, may be seen as part of the same concern and is consistent with the analysis of contemporary political issues in terms of problems of inter-elite integration (Tegegne Teka, 1998; Mesfin Araya, 1991).

The net effect on the coffee sector of such political calculations is to ensure that the cultivation of coffee is likely to remain dominated by smallholders. If this can also be managed alongside an improvement in farm incomes as farmers receive a greater share of the export price of coffee then regional separatist trends may be contained – rather than have a disaffected landless class subject to exploitation by absentee landlords and ripe for recruitment to subversive opposition movements. The federal and state governments also have a strategic political role here. Although revenue remains highly centralised, over 50 per cent of public expenditure has been devolved to the regional state governments. The collection of local revenues, and monitoring of regulations, also generate employment and this reminds us of that traditional aspect of political control which depends upon the patronage, overt and otherwise, of job creation in the public sector (Chanie, 1998). In such ways potentially disaffected and ethnically diverse, intellectuals may be incorporated into the nexus of the state through the means of coffee generated wealth.

Finally, it is important to remember that the (federal) state has need not only of revenue from taxation but also of foreign exchange to purchase the essential imports that help to keep a ruling party in power. As indicated above, the relative importance of coffee as a source of official revenue has diminished considerably since the middle of the 20th century. The same cannot be said, however, of its contribution to foreign
exchange earnings. In Ethiopia the export of coffee is central and absolutely crucial to this process, and warrants separate discussion in the following section.

The Political Economy of Foreign Exchange

In recent years the country’s dependence on coffee as the main earner of foreign exchange has actually increased. In 1967 coffee exports amounted to 55.7 per cent of total exports by value, 59.4 per cent in 1969 and 64.1 per cent in 1993. By 1998 this had risen again to 67 per cent. To the extent that any government requires access to foreign exchange for its own survival coffee is thus of fundamental importance in the Ethiopian case. This survival may take the form of enabling citizens to exercise preferences through being able to import capital and consumer goods from abroad; it may be through official servicing of past debt or the ability to take on new debts. Or, more bluntly, it may allow the import of defence equipment which the government in power uses to control internal dissent. An example elsewhere of the importance of access to foreign currency is in the wars in Congo and Angola where control over diamond, oil and other mineral resources is a key area of violent struggle.

In all such cases the response is to ration the supply of foreign currency and in Ethiopia until the mid-1990s this was implemented by prioritising imports on a permit basis. With the introduction of more market oriented principles the present government has gradually allowed the National Bank to introduce weekly wholesale foreign exchange auctions.

The problem of foreign exchange scarcity is particularly acute for a government that is both attempting to promote capitalistic development and the economic freedom which this is assumed to entail while its own hold over power continues to be under threat from various sources. Those in government must therefore allow for sufficient foreign exchange to be available to satisfy business and consumer demands while ensuring that enough is left to finance the import needs of the police and military in terms of vehicles, fuel, guns, ammunition and parts etc. The government also presumably wishes to have ready access to sufficient reserves for an emergency (such as the unexpected scale of the Ethio-Eritrean conflict). The Ethiopian government today, dominated by the EPRDF, has also to balance the various ethnic and associated regional interests that have been permitted to become more explicit through the federal provisions of the Constitution. Thus, in order to contain the competing demands from its own regional base in Tigre and those from Amhara, Oromia, Somali and the SNNI (Southern Nations Nationalities and Peoples) in particular, many of whose representatives do not at present discern fairness in the distribution of state resources, the party in power is greatly helped if the flow of foreign exchange from all sources is maximised. A principal merit of export earned exchange is that it is untied, as distinct from international aid and borrowing.

A number of observations follow from this. First, in the short term it will be to the government’s advantage if as much of the coffee that is marketed is done so in such a way as to make tax and licence income easily collectable while minimising the disincentive effects; and second, that as much of the foreign exchange that is earned passes through the national bank as possible. These imply either an extensive and efficient administrative network or, if the latter is lacking, a centralised system which allows administrative resources to be more easily concentrated. In Ethiopia the various regulations affecting the collection, distribution and selling of coffee can be interpreted in this light, as much in the structure of the rural institutions which constrain and regulate agricultural behaviour as in those nearer to the centres of
government itself. This applies, therefore, to the regulations which have been introduced to govern the activities of private commercial banks, many of which now have branches in rural areas. In other words, the institutions which govern the production and trade of coffee beans retain an important political purpose in ensuring the centralised collection of the foreign currency which these activities generate. On the one hand, it is possible to analyse this in macroeconomic terms and clearly any government in power must take cognisance of this too, but what mainstream economic models fail to pick up is that access to foreign exchange is also a political resource (as was clearly evident during the period of the Derg). This fact complicates the policy agenda considerably.

**Summary & Conclusion**

The essential details of the production and marketing of coffee in Ethiopia have been described above. At a superficial level these seem to follow a fairly conventional and expected structure as coffee is gathered from a large number of small farmers by local agents who sell on to bulkers who then, after some basic sorting, ship to the terminal markets in Addis and Dire Dawa for auction prior to further sorting and export; this is for sun-dried coffee. A slightly different process is involved for the 15 per cent of production that is cleaned and prepared by the alternative wet method. On closer examination, however, it becomes evident that this is not the only institutional structure that is possible and that it is fairly strictly regulated by the state. It also in essence remains the system that had evolved during the decades preceding the political upheaval of 1974 and which the intervening military regime found useful to retain.

In taking this longer view we are more able to see and to incorporate into analysis, the workings of those cultural and political aspects of Ethiopian polity on to which economic institutions have either been grafted or from which they have evolved. Perhaps the principal amongst these has been the drive to centralise power that has been common to every regime since the Northern expansion of the early 19th century – setting a pattern which even today owes much to the decades of ‘modernisation’ under Haile Selassie. It may be pointed out that while this may have been so in the past, it has now been largely displaced by the new federal constitution and the fiscal decentralisation that goes with it. However, several responses may be made to such a view. One is that in granting a degree of devolved, but regulated, power the centre in fact strengthens its own position through enhanced legitimacy. This may backfire if it seen as a sign of weakness or deviousness which then becomes an argument for continuity with the past. Another is that the physical infrastructure of the economy, and thus the inevitable focus of its associated bureaucracies, remain centrally focussed on the capital city. In other words, the legacy of the past is strongly centralised. Finally, the central government retains control over what is most important to itself, such as internal security and the means to pay for it through access to foreign exchange. When these are combined with gradual improvements in administrative capabilities at all levels then it is possible to regard a degree of decentralisation in some areas as being consistent with a continued grip on other, key, areas by central government much as in the past and, with similar consequences for the nature of the institutional framework which governs economic exchange in rural, as in urban, environments.

It is a culture of central control that constitutes the peculiarly Ethiopian institutional polity out of whose history the various organisational forms of market behaviour and
regulation have emerged, and which is evident in the pattern of property rights in land, usufruct, trade and exchange that is the mark of rural institutions today. This is not to say simply that the institutions set up by Haile Selassie, for example, have locked the system in to a particular pattern but rather that the factors which led to that sort of system appearing are still present today and that it suits the present regime to continue with most of these same institutions. The former view, that of lock-in and path dependency, is summarised by North (1990:99) when he claims ‘the increasing returns characteristic of an initial set of institutions that provide disincentives to productive activity will create organisations and interest groups with a stake in the existing constraints’ and the political task (from the NIE perspective) is thus to overcome these. One could perhaps say this was the case with some of the functional aspects of the relationships between farmers, sebabsies, akrabies, and the auction, and the way in which regulation is looked at by the local and regional state. What I am suggesting here, however, is that the problem goes beyond this and that the approach of the NIE is self-limiting as an analytical method in that it does not address political and cultural factors in a wholly contemporary sense as opposed to some sort of legacy that must ultimately give way to changing relative prices. North does nod in the direction of ‘the relative bargaining power of the participants’ (p. 101) but sees this only as important at the margin. What is so seldom addressed by the NIE are the issues raised by Bates, even as a rational choice proponent, when he recognises that ‘behind every Pareto optimal outcome arrived at by marginal adjustments among maximising agents devising institutional solutions to problems of market failure, lies a previous act of coercion’ (Bates, 1995:47). To this one might add that it is not always ‘previous’, and it is rarely rescinded. In Africa, the prime reflection of this is in struggles over land, with solutions as varied as the continued nationalisation in Ethiopia and the occupations by veterans in Zimbabwe. The new institutional economics is no substitute for political economy in understanding these processes.

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Debates

Knowledge, Culture & the Internet in Africa: a Challenge for Political Economists
Mike Powell

The development and use of Information and Communications Technologies (ICT) are undoubtedly important in today's world. Not surprisingly this raises issues of 'ICT and development', 'ICT and health', 'ICT and agriculture' and above all of a 'digital divide' between those with permanent access to new technologies and those with none. Such topics are not unimportant but they should not obscure the need for a more profound, critical analysis of what these changes mean. ICT are only one element in a process of changing organisational forms and changing understanding of how information and knowledge can be applied for economic ends. It is argued that these changes are creating a new mode of production, one which may offer Africa more opportunities relative to the world economy than have been experienced in the past. Such opportunities are more likely to be generated, the more ordinary Africans get access to basic communication tools and use them for their own ends. Such a process, which can be either aided or obstructed by the policies of the state and international institutions, would inevitably lead to significant changes in economic and political relationships.

All this talk of knowledge economy, network economy, the internet, digital divide: what is going on? This is too big a question for one article and too much is still in play for anyone to know the answer. But exactly because so much is still in play, it is essential that what is happening is studied and debated in real time. With varying degrees of hyperbole, the notion that changes in the way information is used, supported by new information technologies, are leading to profound changes in the way economies and societies are organised is widely accepted. This process is easily, but not necessarily correctly, seen as being led by dominant interests in advanced capitalist countries.

These information related changes are of vital importance to Africa. The changes are many and complex and are affecting all aspects of societies. This article aims to provide an overview of the key areas of change; to suggest some areas in which this change may present positive opportunities for Africa; and to sketch an agenda for further study and debate on the issues raised. The first priority is to try to understand what fundamental processes are underlying the fast moving changes in technologies and their use that we witness today. This requires us to consider which analytical tools are most appropriate to understand the multiple strands of change, their impact on existing political economy and the potential, if any, they offer for transformation. In this context the work of Manuel Castells offers an invaluable introduction. However, it is argued here that the concept of the 'mode of production', especially as articulated by Amilcar Cabral, is of particular value in trying to think through how economic and political relationships are being affected by new productive processes.
A consideration of possible modes of production in an ‘information age economy’ raises many questions as to the identity and interests of the ‘productive forces’. Although the mass production of components for computer hardware hardly challenges traditional concepts of production, the development of new computer programmes and their application in all forms of daily life certainly does. Established patterns of thought are challenged. New approaches to knowledge, its definition, ownership and exploitation, are codified in information systems and launched for no charge, into a world in which the potential for information exchange has been increased exponentially by the internet. In the ensuing competition to most effectively exploit the potential of new technologies, philosophic and cultural diversity is as likely to be appreciated as a potential asset as seen as an anachronism. This then begs the question, when looking at how Africa can adapt to and use these technologies, of whether concepts of ‘Africanness’ or of ‘being African’ are likely to be helpful. These are not subjects to which most political economists have given much attention since dismissing arguments about an ‘African socialism’ thirty years ago. However they are of potential importance in this different and current context. Work also exists, particularly that of Cabral and Fanon, which situates cultural struggle within its wider economic and political context and vice versa. This offers a valuable base from which to think about these issues in the ‘information age’.

The article is also intended to serve as a call for contributions which can improve our understanding of these issues. Next year, in the build up to the UN conference on the information society proposed for 2003, ROAPE intends to produce an issue which will help identify and promote a progressive African-centred agenda for this information age. As will become clear from the ensuing analysis, this is not a task which can be left only to political economists. It is likely to benefit also from the contributions of a number of disciplines – history, anthropology, cultural studies, linguistics, information studies, and, above all, community and market experience in Africa – in order to link the varying perspectives needed to inform new political and economic strategies.

The ‘Digital Divide’

Access to, usage of and production of content for the new informational tools is much more widespread in advanced capitalist countries, especially the United States, than it is elsewhere. This has led to talk of a ‘digital divide’ both within rich countries and between them and poor ones. The concept of a digital divide has tended to dominate the relatively sparse analysis of what the ‘Information Age’ heralds for Africa. It features prominently in the Dot Force initiative launched by the G8 countries at their Okinawa summit. The narrative is that a wonderful new world is being created ‘out there’ and Africa needs help to access it. What is required is identified as regulatory reform, increased access to computers and the infrastructure which connects them to the internet, training, the commercial use of the technology and access to content which will help meet developmental goals.

In this latter context, the age-old question of whose knowledge is of value again raises its head. The points made by Zeleza (1996) with regard to the huge bias in favour of Northern opinion in the paper publication of ‘knowledge’ on Africa return in trumps in electronic form. True to form, the World Bank’s approach to the issue is to dream up yet another mega-project, the ‘Global Development Gateway’, which in their original conception was going to provide all the development knowledge anyone could ever need, with content heavily supplied from the bank’s own ‘expertise’. This
has, at least in public, been toned down as the various consultation exercises provoked a deluge of responses around issues of ownership of the process, editorial control and diversity of knowledge sources. However the gateway project, for which huge amounts of funding are still being sought, remains an example of the thinking, prevalent also in government led anti-poverty/development internet strategies within Northern societies. That is that ‘if only those that lag behind could have access to the information that we will kindly provide for them they might one day catch up’ – a familiar refrain.

The point here is not to dispute the fact of widening gaps in the use and applications of information technologies between North and South or within individual societies. Well thought out programmes to raise access to the internet and the skills to make use of it are certainly welcome. So too are many of the more sensitive efforts to collect information from diverse sources, including indigenous knowledge and local research, and to present it in some easy-to-use form for different groups of users. There is room for much further progress on both counts. However these are surface level improvements. Accepting the ‘digital divide’ as the only framework of debate makes premature assumptions about the future development of information age societies and uncritically accepts these assumptions as a reality with which Africa must both relate and catch up. They do not pose let alone answer the more fundamental questions: ‘What is actually happening in the wider world? What effect will these changes have on Africa? How can Africa engage with and shape developments?’ To paraphrase a situationist slogan of the late sixties/early seventies,

*People who talk about the paradigm shifts and digital divides without referring explicitly to everyday life, without understanding what is subversive about love and what is positive in the refusal of constraints, such people have a corpse in their mouth.*

**An ‘Informational Mode of Production’?**

Africa has not been singled out for this lack of profound analysis. At a time when it is hard to pick up a newspaper without finding item after item on e-government, e-economy and information societies affecting every aspect of life, there are have been remarkably few serious efforts to produce an analytical overview. There is work from computer studies, management theory, paperbacks on the ‘world we live in’ for Northern audiences and some development studies literature on the use of computers especially within governments in developing countries.

Some work has begun a broader political or social analysis relevant to developing countries. Mitter and Rowbotham (1995) edited a book focusing especially at the impact of new industries and new ways of working on the employment experience of third world women, although the chapters relating to Africa talked then more of lack of change or the potential for change than of actual reality. Miller and Slater (2000) have provided a detailed case study of the use of the internet by members of different social groups in Trinidad.

However, to this author’s knowledge, the work of Manuel Castells has been alone in seeking to analyse the impact of these processes at both political and economic levels from a global perspective. Broad in its scope, thorough in its scholarship, it is also in its approach accessible, if not necessarily agreeable, to marxists. Quite rarely in this day for a book on global changes, it gives some serious attention, albeit through the eyes of other predominantly Northern scholars, to events in Africa. At the least it
deserves to become a benchmark for further study on these issues and for that reason some of its main conclusions are summarised here.

Castells uses the word ‘informational’ to distinguish the current centrality of the role of information and information technology in society and business from its acknowledged but lesser use in previous systems. He sees informational industries and processes as integral parts of a world order dominated by global financial networks exchanging huge flows of capital. These giant flows work beyond the strategic control of any one identifiable group of people. In this system capital moves from bank to bank, freed from space and time by the mechanics of computerised transfers, directed by an often automated logic of accumulation, influenced but hardly controlled by managers often without the knowledge of its actual owners, who are likely to be at several stages removed from their cash. Thus these networks, whilst they can represent and reconcile capitalist interests from key points of accumulation in the globe, cannot be said to be in the strategic control of a distinct capitalist class.

The ‘real’ economy, or rather the one we more easily recognise, is on one level little more than seed corn for the capital needs of the global financial networks. The captain of industry is producing for and subservient to the international financial networks. In the more productive parts of this economy, industry and trade (and crime) have also been reshaped by the dynamics of networking – able rapidly and flexibly to organise and reorganise production and supply in response to the needs of global markets. The core of national or regional economies is transnational. Transnational networks can engage in one region but not its neighbour or in one national market not another. The extent to which national or regional economies can even exist as viable entities depends on their ability to realign their economies to the informational model. The Soviet Union, he argues, failed fatally in this, Africa is poorly placed to succeed.

‘Labour’ in these networks is offered in an expanding number of different relationships with less and less common ground between them. It includes the increasing ‘mass’ of ‘informational’ workers whose individual relationship to the work they are doing may change frequently from managing, to sub-contracting. Such labour is ‘self-programmable’, based not just on skills but on an ability to constantly reinvent itself depending on the demands of the processes it is working upon. As such it becomes distinct, as well as separately paid and contracted, from mass labour, described as ‘generic’ by Castells. This has become increasingly casualised and insecure. More and more it takes place not within settled economic relationships but within replaceable component parts of transnational networks. In that context the local capitalist is often as dependent on the transnational network for which he is sub-contracting as the workforce. Whilst both category of labour, especially the former, retain some bargaining power, neither possess the characteristics of potential power once associated with ‘the working class’. As Castells says:

But if work, workers and working classes exist, and even expand, around the world, the social relationships between capital and labour are profoundly transformed. At its core, capital is global. As a ride, labour is local (Castells, 1996:474).

This does not mean he denies the inevitability of struggle against injustice. Simply that it is taking different forms, as indeed it has to do if it is to have any effect, given the new relations of production, relations in which generic labour is no longer dialectically connected to the centres of capitalist accumulation. Increasingly it takes
the form of struggles based on people's sense of identity. These can be either forward looking concepts, such as moves towards re-creating the structure of the family on non (or less) patriarchal lines, a struggle he sees as having been of enormous significance. Or they can re-invoke allegedly traditional identities as witnessed in the various fundamentalisms. These struggles can shape the context in which the capital networks operate but cannot, as far as Castells can see, do much to control them.

Castell's work deserves to act as a point of reference, which is not to say it should be accepted uncritically. I am somewhat confused by the notion of uncontrolled global financial networks as the dominant force in a new capitalist order. Castells himself describes the process both in terms where The losses of some fractions of capital are the wins of others, so that, over the long term, the market balances out and keeps a dynamic equilibrium' and as the 'mother of all accumulations' (Castells, 1998:367). This apparent contradiction, however, is outside my area of expertise and less directly relevant to the point of this article. Of more concern is his analysis whereby the informationally based network economy and the dominance of global financial networks are inevitably part of the same new 'whole'.

It is possible to argue that the two are distinct and different. Yes, global finance works through networks. Yes, its freeing from limits of space and time would have been impossible without new information technologies. However this can be seen as an example of new methods being applied to a single industry, rather than an integral aspect of every manifestation of a new mode of production. It is not surprising that finance should be an early adopter: it was already the most powerful industry and the one with the most funds available for new investment. It is also the case that the key new technology for the finance industry has been 'Electronic Data Interchange' (EDI), a far simpler technology than the systems for exchanging richer qualitative information and one which has been in commercial use considerably longer than the internet. The industry therefore had a number of head starts.

The financial industry is not necessarily any more central to the future of the 'informational mode of production' than pumping engines in geologically marginal coal mines were to the future of steam. Whilst Castells is right to think that the profits and pensions of new informational workers will feed the managed funds of the financial industry, a lot of their actual activity will be reshaping the world in which that industry operates and not necessarily to its advantage. It is too early in the process to even imagine the final detail but some of the observable features of new practice involve ways of working which:

- **Make networks ubiquitous**: conditions are being created for the active participation of millions of people across the world to create and participate in local and international networks for their economic, political, cultural and social benefit;

- **Value the open exchange of information**: such networks will provide not only access to formal codified information but, more importantly, to endless permutations of dynamic information from which new opportunities can be discovered (a modern and global form of the Lloyd's Coffee Shop which facilitated the growth of British mercantile capitalism);

- **Develop new cognitive approaches** to the use of information and the creation of value from it. An economy based on multiple flows of dynamic information is
less linear. Lateral and holistic thought may find more opportunity. Other concepts of thought and knowledge may come to prevail over the dualistic philosophy which has dominated Western thought for the last four hundred years;

- **Dramatically cut the cost of entry** to participation in the global economy;

- **Allow participation without recourse** to the written word, using sound files as the formal record of transactions.

'Modes of production' have been a valuable concept for the analysis of political economy in Africa. As clearly demonstrated by Cabral (1966) amongst others, the concept offers an analysis of the relation of people to economic reality and of their related political (class) interests in a way which is consistent with Marxism but without having to accept 19th century European political economy as universal. Cabral specifically sees the dialectical relationship between the system of ownership of the means of production and the level of the productive forces as being the motor of historical change before, during and after a period of class struggle.

The question is what mode of production will accommodate these emerging characteristics? Castells uses this concept but it is less central to his argument than Cabral's and is employed in his analysis of current reality as he sees it, that is domination of the global economy by the finance industry. If instead we superimpose some of the characteristics of the emerging economy, as I have described them above, on the classical image of a mode of production, we come to a new dialectic.

Firstly what are the means of production? Are they access to a single internet enabled computer and to multiple permutations of economically relevant information? If so, they potentially belong to everyone. Are they our traditional fixed assets - capital and factories? If so, their ownership (more diverse than in the past) is probably less the issue, than their control. But even this is fairly meaningless by itself. Globally, there is no shortage of either capital or productive capacity. What the controllers of the means of production need in order to get returns on their investment is the information, which is necessary to apply their capacity to a market need. This information comes through the 'self programmable, informational' workers described by Castells. In a network economy they may or may not be employed by the owners of the capital. They may have the capacity to put their knowledge at centre stage and hire plant and capital in arrangements which leave them with the bulk of the profit. Then there is also the 'generic' labour, as described by Castells. This labour has a less influential and still subordinate relationship to capital but an as yet unclear relationship with their informational 'colleagues'.

This mode of production is substantially different from that of the industrial age. In the dialectical relationship between capital and the productive forces the boot may be swinging firmly towards the latter albeit, secondly, only to one section of the latter. Who are these 'self programmable, informational' workers? Castells estimates that they form about one-third of the workforce in advanced capitalist countries - whether they have collective economic and political interests, whether they will reproduce themselves in the same form - are all open questions. In many parts of the world they may have closer social relations with 'generic' workers than with existing capitalist classes.
What is clear is that they bear a different relation to the productive process than the traditional middle class in that it is the application of their skills and knowledge rather than capital to production which is at the centre of the process. This may be of particular significance in Africa. In the past the African bourgeoisie simply did not have the potential to accumulate capital in any relation to global capital other than entirely subservient. Hence the somewhat forlorn appeals of Fanon and Cabral for the bourgeoisie to develop their revolutionary consciousness and ‘commit suicide as a class’. However that conclusion was based on an analysis whereby

Both in colonialism and in neocolonialism the essential characteristic of imperialist domination remains the same — denial of the historical process of the dominated people, by means of the violent usurpation of the freedom of the process of development of the national productive forces (Cabral, 1966:139).

The emerging reality of the global network economy is that if you have commercially exploitable ideas and have made appropriate links, you can engage with it, if not on a basis of equality, at least as a player from anywhere on earth.

Before considering what opportunities this may offer for Africa, it is important to set these changes in an historical context. The new mode of production described above exists but it is clearly by no means dominant. It may become more widespread, or it might be resisted by competition either from existing interests or from alternative visions of the future. Marx, in a quote of the origin of which I have mislaid but which I think was about India (answers by e-mail please), talks of industrial capitalism as a revolutionary mode of production tearing down preexisting economic and social relationships. In fact it is not clear if existing modes of production disappear, simply that they become increasingly less relevant, and their social relationships less powerful, as their relative contribution to the economy as a whole is displaced by the new. An extreme example of this comes from Sheffield, steel crucible of the industrial revolution, where ducal estates let on long leases as fields, have had factories and workers housing built on them, which were used for well over a hundred years and which are now being demolished. It is likely that by the time the same land reverts to the same family with the same title, much of it will be covered by grass again.

New modes of production do not stop money being made in old ways. The point is that they offer the potential to make new money in new ways just as previous forms become either less profitable or impossible for new entrepreneurs to gain entry to. If a new mode can be seen as a wave, the old modes are contained in the depth of water underneath the wave, which can be considerable. It is therefore important, in analysing the potential of new economic and social relations, not to expect the old to disappear overnight.

With these caveats in mind, I would argue that how new capital is currently accumulated represents an emerging mode of production. A new mode of production implies a break with the past. At the least it offers a new way of doing things which is likely to offer both opportunities and threats. Much more work is needed either to challenge or confirm Castell’s analysis of global trends and more specifically to look at actual changes in relations of production within Africa. This will produce a better understanding of what form these threats and opportunities may take.
The ‘Informational Economy’ in Africa

The network economy involves far more than the use of Information and Communications Technologies (ICT) but these, nonetheless, are key tools and their production forms the base for a number of industries which are of global importance in their own right. Heeks (2000) has made the point that it would be helpful if some of the energy put into thinking how developing countries can consume imported ICT goods was balanced with equal effort to develop profitable opportunities for their production. This may however be less easy to achieve in Africa.

ICT consist of a number of components – infrastructure, hardware and software – all of which are necessary to the whole but each of which exists within its own industry norms.

Computers are now as important for their capacity to communicate information as much as for their ability to process it. To function in this mode they need small amounts of electricity and access to some form of telephone network. Reliable supplies of electricity at a constant voltage are obviously still a problem in many areas of Africa but means of coping with vagaries of supply are also well developed. Telephone connectivity is less straightforward. Given the large distances and dispersed population of most rural areas, Africa is becoming a testing ground for numerous projects to link isolated communities to data networks using satellites or various forms of wireless. These experiments may prove significant but, in the mean time, the crucial questions around telephone networks are being resolved in the cities. Here the traditional telephone networks, some privatised, some still state owned are competing with rapidly growing mobile telephone networks which are developing data communications capacity. The practical issues raised by this competition are complex and require detailed analysis – the potential for profitable private investment is limited by the size of the markets, politically the issues can be seen as a contest between historic sources of revenue for the state and external pressure to privatise. However the overall strategic issues involved are simple.

Telephone infrastructure is not an industry in which Africa is likely to be globally competitive or one which is likely to lead to significant (in global terms) accumulation of capital in Africa. Its prime importance should be as an enabler of the profitable use of ICT. As such, issues such as ownership of the infrastructure or its technical make-up are secondary to the strategic economic imperatives of providing ever more reliable and faster services to more and more people at the lowest possible cost.

Computer hardware manufacture is characterised by the priority given to investment in the manufacture of components rather than the finished parts. Thus a handful of companies invest huge sums, almost exclusively outside of Africa, to make computer chips, memory and hard drives. The return on this investment can be very high. The components are then assembled by a range of companies ranging from multinationals like Dell to garage industries by technicians who believe their knowledge of the components can enable them to produce the cheapest or the best combination. It is like having local garage building cars with a Toyota chassis, Peugot gearbox and Mercedes engines. ‘The specifications of each ‘model’ change almost weekly, creating major challenges in inventory management and ‘just in time’ supply. Volume of sales can be high but the market is very competitive and profit margins are generally low.

It is hard to see how Africa can effectively compete in component manufacture. However as local demand increases, it is possible that the necessary volume discounts
and security of supply will become available to make local assembly viable. This is unlikely to be that significant in terms of accumulation but it will help build local skill levels and local employment.

The software industry is split into three ways of working, albeit this time more through the choice of the companies concerned than because of the actual structure of the industry. Some software is written for large scale or mass consumption. The economic arithmetic here is different from most other forms of production outside entertainment. Product development costs are high but product production costs are virtually non-existent. High sales mean huge profit, low sales means huge loss. There is currently relatively little software produced in Africa of this nature.

More specialist software used by smaller groups of users for very specific purposes is developed in a different way. It is usually produced under contract to a commissioning body, which may be an organisation which will use the software itself or another software company which has sub-contracted part of its work loads. The software itself may be original or it may be a customised version of a bought in product. Profit levels are variable, can be good but are seldom massive. Most software written in Africa comes under this heading, with the industry perhaps being strongest in South Africa and Senegal. In other developing countries, notably India, software has created the basis for the strong local growth of a global industry. This experience is worth close study. It would seem to have been based on both wide-scale and high level educational input and the use of the English language. There is no reason to assume that such success can be easily replicated in Africa (although Senegal may offer a low cost service in French comparable to that offered by India in English). Nonetheless this industry in Africa is of strategic importance because it increases local human capacity in understanding and using informational technology.

Not all software is produced within the commercial models described above. A combination of commitment to the free exchange of knowledge and the huge reductions of cost achieved by being able to re-use other people's work as building blocks in writing new software has produced a vibrant movement known as 'Open Source'. The Linux operating system is its most famous example. The economics of open source depend not on the sale of software, which is often made available, but in the lower costs of developing new software applications for use.

The conclusion that can be drawn from the above is that the importance of ICT industries in Africa is likely to lie more in the general raising of awareness and competence in what can be done and in supporting local users of the equipment. It is unlikely in itself to generate the profits to catalyse an economic transformation in the continent. This does not necessarily matter, as long as the fact is recognised, and time and resources are not wasted pursuing false dawns. In the long run what will be more significant is not the ICT industries themselves but how they are used in every other industry, including those which have not yet been thought of.

Economic Opportunities
In the 1990s advanced Western economies invested trillions of dollars in new ICT. Most research suggests that between seventy and ninety percent of this investment did not achieve its stated goals (for example Clegg, 1996 or Lefebvre and Lefebvre, 1996). In this process many previously leading companies disappeared. New
businesses, such as Microsoft, went from nothing to being the world's largest in less than two decades (and may yet be small again in two decades time). It has not been a process controlled by the initially powerful. As Castells observes, the creation of the personal computer and its communication potential did not come from not mainstream America but from cultural if not political dissidence.

The importance of the new economy is not lost on governments. The UK government is one of many with a desire 'To make the UK (in this case but you can insert the name of thousands of cities, regions or countries with identical 'vision statements') the best place in the world for e-business'. However, the wish is one thing, the reality another. There is actually very little evidence that the UK government – or others – has much understanding of the logic of the productive forces they are trying to promote. The government's own ICT projects tend towards the monumental and the static (and the failed). When they look for business allies they turn to lumbering corporations which are as bemused as the governments as to what is going on and who instead use their financial and marketing muscle to resist the forces of change. Inspired to spend some £900 million on promoting various forms of mass access to internet connected computers and to training, they waste it on supporting the bureaucratically proven but educationally failed institutions of the past, severely damaging many of the community led pioneers of information literacy in the process. Most notably, a generally competent finance minister misunderstands the artisanal nature of software production (and of other new industries). Rather than promote legal and fiscal forms appropriate to the flexibility and dynamism of new forms of production, he insists they conform to the requirements of the past and thousands of skilled 'self-programmable' workers leave the country as a result, taking their production with them.

What we are witnessing here is not simply a catalogue of errors but a failure to understand new dynamics which are not those with which the current decision makers grew up, a failure to adapt culturally. During a previous period of economic restructuring, a local pastor in the rapidly closing South Yorkshire coalfield argued that one of the defining achievements of the workforce of the sub-region had been to acquire the discipline necessary to operate complex industrial processes involving hundreds or even thousands of people. To expect a people with two hundred years experience of developing highly structured working practices to instantly become entrepreneurs and small business people is 'wholly unrealistic' (Keen, 1987:9). Perhaps the same can now be said of politicians and industrialists – years of thinking in terms of controlling information, of centralising decisions, of thinking on a large scale sit poorly with the needs of an informational economy. By contrast a recent workshop of African land management professionals immediately grasped the centrality of accessible information to the achievement of any consensus on land development issues. The lack of such information has too often and too obviously been a cause of failure and conflict in their own professional experience. Consequently they had no hesitation in taking 'effective information management' out of the list of technical issues, in which it had been placed by the organisers, and making it a key factor for the success of the whole programme under discussion.

Above all there is a constant recurrence in the Northern literature on 'the information age', including Castells, of the prominence given to 'information technology'. In fact the new processes are based on new approaches to information – its production, management and exchange – combined with new organisational forms. These new
processes are immeasurably strengthened by the appropriate use of ICT but it is at least arguable that they are not fundamentally dependent on it.

Where does this leave Africa? If we base our thinking on the rules of the last fifty years, it is hard to conceive of a strategy based on the accumulation of capital or the application of codified knowledge to production in which Africa could have any competitive advantage. Nor can it be assumed that the rules of the information age will be any more favourable. There are reasons to fear yet greater exploitation of those African assets most profitable to the world economy alongside ever increasing marginalisation of the rest. Castells claims that:

Africa is, for the time being, excluded from the information technology revolution, if we except a few nodes of finance and international management directly connected to global networks while bypassing African economies and societies (Castells, 1998:92).

and, having argued that South Africa might be different,

the vision of a new South Africa becoming the engine of development for much of the continent, through its multilayered incorporation into the global economy ... seems, at close examination, utterly unrealistic (Castells, 1998:127).

So is despair the answer? If there is no prospect of successful transformation under existing conditions, the only strategy with any potential of success is one which seeks to change those conditions. Is it possible to imagine changes which will lead decisive improvements in the relationship of Africa to the global economy? If so, how and where might such changes come about?

There are reasons to think that some new opportunity could exist for Africa, and for marginalised people elsewhere. As modes of production change across the world, so too do the relationships on which they are based. While these changes may not be for the better, the new relationships cannot be, whilst they are taking shape, controlled with the same rigidity as the existing unequal relationships have been over the past century or more. As we have seen, for the time being, currently dominant forces do not know how to fully exploit the economic potential of the forces they have unleashed.

What type of action can be inserted into these processes to achieve a position in the new order which is qualitatively better than that occupied in the old one? The options of playing catch up in the digital divide or of generating globally significant ICT businesses within Africa have already been discussed. Although they are not unimportant, they do not seem to offer real potential for improving Africa’s relative position to the rest of the world.

Opportunity is more likely to lie in Africa being quicker to shed the culture and mindset of existing practice and, therefore, become more quickly adept at exploiting the potential of the new mode of production. This is more likely to happen not so much within the ICT industries, but through applying related innovations in other spheres. In thinking how these new tools may be applied, there is an as yet uncharted potential for new cognitive and cultural approaches to the creation of value from information.
Exactly how Africa might gain an advantage in this area cannot be foreseen at this stage but there are both recent and historical reasons for believing it might be possible. To return to Cabral:

*Study of the history of liberation struggles shows that they have generally been preceded by an upsurge of cultural manifestations, which progressively harden into an attempt, successful or not, to assert the cultural personality of the dominated people by an act of denial of the culture of the oppressor. Whatever the conditions of subjection of a people to foreign domination and the influence of economic, political and social factors in the exercise of this domination, it is generally within the cultural factor that we find the germ of challenge which leads to the structuring and development of the liberation movement.*

(Cabral, 1970:142)

What this assertion of cultural values means does not have to be profound. At the first Global Congress of Community Networking, Amadou Top, President of the Observatoire sur les Systemes d’Information les Reseaux et les Inforoutes au Senegal (OSIRIS) pointed out that the African habit of sharing consumer goods – televisions, washing machines etc. extended to telephones and to the internet. This not only meant that many more Africans had access to the internet than the official telephone company figures suggest but that it indicated a culture of sharing which was in tune with the culture of the medium.

Another practical aspect of use is illustrated by an observation of internet use in Trinidad (Miller and Slater, 2000). Here the use of the medium, at various socio-economic levels to ‘represent’ Trinidad and to maintain relationships with family in the Diaspora indicated enormous potential to develop viable international networks which previous reliance on the labour of writing or the cost of telephony had failed to develop. This broadly reflects the experience of ICT projects to connect Bangladeshi communities in the UK with their families and contacts in Bangladesh.

It needs to be stressed that if new tools allow access to global economic and political actors, they do not oblige such long distance links. The logic is to create a network wherever the network will serve some purpose, be it economic, political or cultural. If Silicon Alley can trade profitably with Manhattan in a relatively closed network, so can Kumasi with Kayes. Indeed it may be that it is the potential for generating communication and trade within Africa which will prove the most significant and the most liberating aspect of the Information Age. Yes, just as in colonial times the infrastructure is being built upon links to Paris, London and, now, New York, but this time the nature of the technology is that these links may be as easily used to contact other parts of Africa.

Experience to date suggests that if ordinary people gain access to affordable communications, especially e-mail, they themselves will generate the ideas and the contacts needed to build and exploit sustainable networks. These may start at the level of the one-off transaction and possibly grow into small businesses or family trading networks. In conceiving of the potential offered by such bottom-up growth, it is important to note the vastly lower costs of entry into global trading; the huge, if unequal, growth of access to global information tools; the greater premium put on ideas and attitudes rather than on capital in the success or failure of new ventures.

At the same time more profound ways to develop African engagement with new technologies and their underlying philosophies need to be explored.
Top, looking at African strengths in the information age at the congress cited above, also commented on the strength of the oral competence within African culture. This can be interpreted in a patronising way – that being illiterate is less of a barrier to participation in an era when you can speak or listen to sound files on a computer. Alternatively it can be placed in a context where the culture of the written word is so bloated that many academic articles and consultancy reports are hardly read by anyone other than their authors and immediate recipients. In such a context the potential of multimedia to offer more effective communication is enormous and well developed skills of oral record may become highly valued.

The development of the information age economies is dependent on continuous exploration and exploitation of new ways of understanding and ordering information. Imaginative intellectual input is essential to this process. Competencies such as the ability to conceptualise different models of reality, to re-conceive of knowledge using different patterns of thought and language or to interpret the potential of virtual reality as a meaningful experience for day to day living and working possess enormous value. People brought up and educated in a Western dualistic tradition struggle to explore the potential that now exists. Consider then this experience:

I decided to do a little experiment of my own with ‘reality’ versus “imagination” when I was home visiting my village in 1986. I brought with me a little electronic generator, a television monitor, a VCR, and a ‘Star Trek’ tape titled ‘The Voyage Home’. I wanted to know if the Dagara elders could tell the difference between fiction and reality. The events unfolding in a science fiction film, considered futuristic or fantastic in the west, were perceived by my elders as the current affairs in the day-to-day lives of some other group living in the world. They had no problems understanding light speed and teleportation except that they could have done it more discreetly ... Because they believe in things like magical beings, travelling at the speed of light, and teleportation, the wonders that Westerners imagine being part of their future are very much part of my elders’ present (Some, 1994:9)

In Africa there are many and varied conceptualisations of reality that have formed the philosophical basis of African civilisations and cultures. These ways of looking at the world have been largely ignored if not actively discouraged by a development agenda which, whether from left or right, has been strongly modernist in its philosophy. Among them are likely to be a reservoir of ideas which could be developed to create new approaches to the work on the nature, shape and linkages of information and knowledge which underpin the continuing development of the information economy. In other words traditional African perceptions of reality, or some of them, could be Africa’s greatest assets in an information age.

This might seem a highly speculative argument. By the same token, a prediction in the year 1900 that Euro-American art was about to be entirely reinvented through the adoption of more advanced cultural concepts being imported from Africa would have been treated with utter incredulity. Consider however the view of observers writing immediately after such influence had become widespread. One of the key texts begins

Where they (the African sculptures) seemed to be misshapen, badly proportioned, they were really fashioned with consummate skill to achieve effects that Europeans had not been able to see or appreciate. Instead of being the beginnings of art, valuable only as historical relics, they were perhaps a stage in advance of European evolution, and valuable as ideals (Guillaume and Munro, 1926:1)
And the book ends:

_Potentially, their general method is more important than any particular designs. This has helped to liberate the artist from Renaissance traditions, yet given him a concrete basis to build on ... In an age when more than one voice has been heard to say that sculpture is obsolete, and the plastic arts exhausted, negro art has brought creative forces that may prove to be inexhaustible_ (Guillaume and Munro, 1926:134)

The new economy is often referred to as ‘the knowledge economy’. Whose knowledge? What type of knowledge? We have already discussed how it is not the same type of knowledge which was applied to the giant enterprises of the industrial age. The potential analogy with African influence on Euro–American art would be a belief that Africa has within it some distinct conceptions of knowledge and of information exchange which might actually place in a relatively privileged position when compared, for example with former workers and managers of giant industrial enterprises.

If such an analogy exists, then the first imperative is that this time Africa should gain some economic benefit from the use of its ‘intellectual property’. The question also arises as to how such an African impact on the development of the ‘information age’ might take shape.

It is might be possible to imagine some specialist institute being established which would seek to identify concepts within African cultures and then exploit them for use in information economy products. However the questions of who would own and benefit from such an exercise would be acute. Nor is there much evidence from past inventions – steam, electricity, the telephone to name a few – to suggest that the best applications for new technologies can be foreseen by their creators. As with the more immediate economic benefits described earlier in this section, it is likely that any more profound African shaping of the tools and practices of the information age will emerge from the cumulative experience of millions of participants.

This does not however mean that intellectuals need do no more than sit back and wait. First there is a need for study as to how exactly, at a conceptual level, new technologies are being used and adapted within Africa and sufficient broader study to make relevant comparisons with such use elsewhere. Second, and this is more theoretically challenging, even the possibility that Africa’s intellectual and cultural traditions may become some of the continent’s greatest economic assets demands that far greater attention be given to what this means by political economists and development studies experts than in the past. Of course this point has been made by many before in relation to African studies in general (Ishemo, 1995) and by no-one more strongly than Cabral. However the significance of philosophical and intellectual approaches to the emerging mode of production adds yet more urgency to the task.

This is not the place to seek to outline the whole list of issues will arise in any attempt to put African’s own (and differing) perceptions of their reality in a more central position in the study of Africa. It must be stressed that in emphasising the necessity of greater attention of the relevance of these traditions to present and future reality, I am not promoting an uncritical or romantic acceptance of the past. Cabral who came to see the cultural strength of the Guinean people as essential to the victory of the liberation struggle had no such illusions. For him culture is ‘the fruit of history’ but
we must bear in mind that the fundamental characteristic of culture is its close, dependent
and reciprocal connexion with the economic and social reality of the environment, with the
level of the productive forces and the mode of production of the society which created it ... [and that] any culture contains essential and secondary elements, strengths and
weaknesses, virtues, defects, positive and negative aspects, factors for progress and
stagnation or for regression (Cabral, 1970:149).

It is this critical analysis of culture, understanding its inevitable link to the mode of
production and especially to the level of the productive forces that should form the
starting point for an analysis of how Africa can respond to its opportunities in
information age economies.

The Political Consequences

Any significant shift in the mode of production will be paralleled with equally
significant shifts in political and social relations. The trend is magnified in this case
because the key supportive technology of the new productive processes has within it,
through being a powerful communications tool, significant political and social
components.

There is not space to attempt a full analysis of the political changes which may
potentially lead from the economic and cultural changes outlined above. However a
few areas which would particularly benefit from further study can be outlined.

By far the most positive political impact of the informational age on Africa is already,
and will increasingly be, the impetus it gives to international networking and
organisation within Africa. Despite, or perhaps because of, the failure of many
national political projects, the idea of African Unity remains as inspirational as ever.
For the first time large numbers of people, predominantly it is true from the more
educated strata of society but not necessarily from its financial or political elites, have
the potential to contact and communicate with colleagues and comrades in other
countries, quickly, freely and relatively cheaply. As Olivier Sagna of OSIRIS puts it:
'Ve think that ICTs are a powerful tool for advancing African Unity' (African
Resources, 1999).

Another arena for activity, albeit one which requires some investment of time and
technical capacity from developing countries, may be the politics of globalisation
with which 'international information society' debates are inextricably caught up.
Within the overall dynamic of globalisation, which African societies currently lack
the power to challenge, there is scope to argue for strategies which may positively
affect its impact on Africa. If there are some, probably strengthened by Bush's
accession to power in the US, who still pursue dreams of total market liberalisation
and the unfettered dominance of capital, there are other forces who are frightened that
such a system will be too oppressive to be sustainable. The focus of the British
government's recent white paper (DFID, 2000) on international development is
exactly how to make globalisation work for the poor. From a slightly different
perspective senior representatives of the French, Spanish and Canadian governments,
and the European Commission, who addressed the First Global Conference on
Community Networking in Barcelona in November 2000, made similar points. If
effective channels are not created to allow 'the have nots' to participate in an
information society, then that society – be it local or global – will not work. In
addition, and unlike in most previous requests for dialogue in which dominant
interests have always assumed, however wrongly, that they know best, there are significant figures who admit that they do not know what is happening, do not have all the answers. There is thus some potential for shaping the direction of these global information strategies and the probably significant flows of aid which will accompany them.

On a national level matters are likely to be more complex and will almost certainly vary considerably from country to country. The move to mass use of internet technologies and network based organisational models can be greatly aided by the state. However this requires the state behaving in a number of novel ways.

Firstly states will need to see their role not less as directors and controllers but more as enablers. The state is potentially a key enabler of and catalyst for productive change. States have the potential to engage with the global and regional debates, to secure additional resources and to develop educational, economic and telecommunication policies which will support the engagement of their population in informational economies. Secondly the state will need to base at least this element of its economic strategy on support for the massive growth of the kind of small business which have historically managed, wherever possible, to avoid contributing to state coffers. At the same time it will need to take a firm line with the large businesses offering telecoms infrastructure which traditionally have been allied to or part of the state. Thirdly states can promote a culture of freedom of information. This will stimulate the economic exchange of information but will also inevitably be a force for greater transparency in the state’s economic and political affairs. Such transparency may not be welcome. Incumbents all over Africa will have noted the impact of new technologies on the recent presidential election in Senegal. The instant reporting of local results by mobile phone, removed the possibility of subsequent ‘modification’ and possibly therefore influenced the final outcome of the election.

None of these aims are intrinsically either difficult or expensive to achieve. Nor do they make any immediate demand on the origin of state power – they are changes which could, in functional terms, be as easily ordered by a ‘one nation’ dictator as by a group of elected politicians. However they do imply a substantial change to the role of the state and what being in charge of one, for either democrats or generals, means. It is notable that even a state such as the UK, which claims to be convinced of the logic of the information age economy, would score badly on an assessment of its actions under each action described above. And of course there is the potential for strong reaction. Most states are accustomed to working with large economic interests for whom notions of control – both of people and of information – are similar to those of the states. Many states have a culture of the control of information, to the point of violence, which clashes with the new economic imperative of freeing its flows.

Crucial to the political resolution of this tension will be the political behaviour of the emerging economic forces. Sanga’s early research from Senegal shows that even given the significant spread of internet connected telecentres outside Dakar, the majority of Senegalese users are the children of the existing elite. On the other hand he notes that

the resource is also being used by ‘average’ Senegalese to communicate, with increasing frequency and at lower cost, with family members abroad, as well as by small-scale economic agents, for whom the Internet is gradually replacing the telephone and fax (Sanga, 2000:44).
So who will Africa’s emerging ‘informational workers’ be? Will they behave in a consistent way politically? Will they become a class? And if so what will there relation be to other political forces in the country – the existing economic elite, the bureaucracy, the military, the masses? The values of international ‘informational networking’ tend to be highly individualistic and anti-authoritarian but also contain strong elements of social solidarity. Will these be reflected in the attitudes of their African colleagues? Are there political strategies which can be pursued now which will influence the eventual answers to these questions? Nor should the future role of the masses of workers, Castells’ ‘generic workers’, be ignored. The fact that because their labour is becoming ever more casualised they are less able to express their political demands in a consistent and organised fashion does not end their capacity for political action. It may however change the character of that action. Will their lesser power within the emerging mode of production create instability and lessen the prospects for reforms of the state?

Conclusions

There are powerful changes taking place in how value is created by emerging new modes of production. These changes, both because of their economic impact and because of their own cultural and technological properties, will have equally profound impacts, for good or ill, on social and political relations. These changes will both take place in the world at large and affect Africa and take place within Africa. What challenges does this pose for people engaged in political and economic struggle in Africa and those which study the processes involved?

The first point has to be that the nature and implications of the changes under way are as yet unclear. They need to be critically analysed. A knee jerk wish to ‘catch-up’ or join a process the role of which is not understood is of no help. What is certain is that ‘winning’ in the information age is not about the number of computers bought but about how they are used within which organisational forms.

Secondly, it should be recognised that there are many ways in which the technologies and related processes described here are being put to productive use in Africa. These include using ICT for health, education, organisational efficiencies and development information, not to forget entertainment. There is potential value in all of these but none is by itself likely to improve Africa’s position relative to other continents within the world economy. If this is to happen Africa needs to apply these technologies to its own economies and to its economic engagement with the rest of the world.

Some argue that this means developing ICT industries within Africa. My view is that the potential for such development is limited and that it will be more important to apply new methods and technologies to the creation of other business, supported and enabled rather than led by local ICT businesses. The greatest potential for the development of such business lies in millions of Africa using their family, village and peer group connections within countries, across borders and inter-continentally to develop exchanges which could evolve into business opportunities and new political organisation. From such mass engagement with new ways of doing things, it is argued, Africa will begin to exploit the openness to new concepts of place, time and knowledge which the internet represents. Specific African ways (plural rather than singular) of exploiting the medium will emerge and be applied either to maximising the benefit of African ‘network economies’ or be developed into applications which can impact on and be marketed to global informational practice.
These processes may be catalysed or undermined by the role of multilateral economic bodies and of states. As they account for an ever greater proportion of economic activity within states then the political impact of changing modes of production will become clearer.

Each element and each stage of the process can be informed and guided by academic study. Some important theoretical issues concerning changing modes of production and the potential impact on them of cultural specificities have been discussed here. However there is a wide range of other issues to examine, covering many relevant fields, both theoretical and practical, general and specific. This is why ROAPE is calling for a broad range of contributions. But there is a danger in breadth. If, for example, what is required is both a better understanding of how cultural values can shape an emerging mode of production and a detailed analysis of the options available for the reform of the telecommunications industry within different states, how can the broader picture be kept in mind? What is needed to bring such diverse areas of study together is that they should address some common themes. These must be grounded in African reality and in the capacities of Africans, internally and through interaction with external forces to change this reality. Does a piece of work develop an understanding of how what is happening in the world affects African reality? Does it offer ideas on how Africans to first adapt and then shape new opportunities to meet their needs? Does it consider the improvement of Africa’s position relative to the rest of the world? If each contribution addresses such themes then, whatever its specific subject, it will also be helping to chart our wider understanding of Africa’s participation in the information age.

The placing of study within the context of actual political or economic choices is important. ROAPE was founded at a time of hard and intense struggle in Africa but also at a time of great optimism. A recent meeting of the editorial working group produced a list of possible themes for future issues, which would have done credit to a thesaurus of biblical plagues. The themes suggested are real, it has to be admitted, but is pessimism universal? Is it compulsory? A derrota está certa???

This is not the response of the growing number of people in Africa, both working directly in new informational industries or in other sectors. Across the continent there are people alert to using information in new ways, who are developing new organisational forms, who are seeking to innovate the last drop of connectivity and capacity from unfavourable infrastructure and often outdated equipment. There is evidence of considerable enthusiasm for new ways of working – the organisers of the Bamako 2000 conference on the information society in Mali were virtually swamped by a number of delegates four times larger than expected. There is evidence also of a rapid appreciation, compared for instance to the slow adaptation of much Northern thinking described above, of some of the implications of better information flows. There are also new economic opportunities. As Amadou Top, the President of OSIRIS and someone with experience of the software industry in Senegal, states

*I am optimistic because I think we have in front of us a technological revolution which is more favourable to us than that of the past; we have more chances to participate in it. We will be able to better place ourselves within exchanges, without going through the treadmills to which we are accustomed* (Africultures, 1999; my translation)

However the positive potential will not be realised simply by chance. It will require deliberate and strategic action by Africa’s knowledge workers, technologists,
entrepreneurs, politicians and development strategists working together to first create and then exploit the conditions for Africa to benefit. Can political economists help? Quite frankly, it doesn't take a genius to write a description of the havoc wrought by structural adjustment. Why old Karl, for all his faults, is still such a monumental historical figure is because his analysis of emerging forms was immediately useful to people struggling to shape them for the better. We need to emulate this service.

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**Endnotes**
1. This brief overview is compiled with help from a number of sources. Some of particular value—which are also being regularly added to with new material are:
   - Observatoire sur les Systemes d’Information les Reseaux et les Inforoutes au Senegal (OSIRIS) http://www.osiris.sn/top.htm
   - African Internet Connectivity (Mike Jensen) http://www3.sn.apc.org/africa/
   - CNRS Africa ‘Nti Acceuil http://www.africanti.org/
2. The art discussed by Guillaume and Munro cited above had been produced some hundred years or more before it had been ‘discovered’. The authors argue that its function related to social and religious relationships which had been destroyed by colonialism and that therefore it was an historic rather than live art form.

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Gordon Crawford

Clare Short, the UK Government's International Development Secretary, characterises the anti-globalisation movement as 'well-intentioned' but 'destructive and dangerous'. Such sentiments could be turned round and applied to her Department's recent White Paper (WP) entitled Eliminating World Poverty: Making Globalisation Work for the Poor, published in December 2000. Well-intentioned, it has introduced some useful legislative intentions. Destructive and dangerous, its faith in global capitalism as the solution to world poverty is fraught with problems of intensifying unacceptable levels of human exploitation and environmental degradation.

Notwithstanding some minor caveats, the WP delivers a resounding endorsement of the orthodox neo-liberal analysis of globalisation as beneficial for development. Its core message is that integration into the world economy offers the best prospects for economic growth and poverty reduction in developing countries, including the poorest and most marginalised. In the UK government's view, globalisation does not guarantee poverty reduction, but it creates the most favourable conditions, with the challenge being to make globalisation 'work for the poor' through the policies that governments and international institutions pursue (para. 41). Such policy measures, however, involve the familiar mantra of open economies, foreign investment, free markets and free trade - the 'one size fits all' model. In other words, liberalisation and deregulation remain the order of the day, whilst government intervention and regulation are off the menu. And here lies the WP's main shortcoming: its espousal of neo-liberal orthodoxy and its failure to examine alternative policy options.

This review briefly examines the specific legislative announcements, followed by a more substantive discussion of the wider issues raised by the WP. In this latter section, regulatory alternatives to policies of liberalisation are presented: experience indicates that these can offer improved prospects for economic development and poverty reduction. A further theme explores the dangers of international agreements that effectively 'lock-in' countries to economic liberalisation, with negative implications for national democratic processes. But first, two preliminary questions, what is meant by globalisation and is it inevitable?

Such basic questions are not adequately addressed in the WP. Restricting consideration here to economic globalisation (essentially the subject matter of the WP), two main drivers of this process can be identified: one, technological advances, especially in information and communication technologies; two, sustained economic liberalisation at national and international levels, that is economic policy choices. The former contributes to the notion of an irreversible process, yet the latter challenges the perception of globalisation as somehow natural and inevitable. In this respect, globalisation is an intentional project based on the promotion of selected economic policies, a re-naming of the liberalisation of markets, finance and trade that has constituted the dominant neo-liberal agenda of the past two decades. Unconvincingly, Clare Short endeavours to ideologically distance the UK government's current position from that of 'market fundamentalism' of the 1980s, yet the policies advocated in the WP are characterised more by continuity with neo-liberalism than by any significant shift.
Minor Gains
The traditional role of UK government white papers is to signal legislative intentions. The 'Globalisation' WP does this, but also goes much beyond the normal remit. The specific policy announcements and plans for legislation include the following:

- the unilateral untying of UK development aid from buying British goods or services, introduced from April 2001;
- proposed legislation to enable prosecution of UK companies involved in corruption overseas;
- the establishment of a commission on intellectual property rights and their impact on developing countries;
- the planned introduction of a new Development Bill to replace the outdated Overseas Development and Cooperation Act (1980);
- increased allocation of development assistance to low-income countries.

Such measures have been generally welcomed and are mostly un-contentious. It is not highlighted, however, that Britain is unique amongst OECD members in not (yet) having legislation against bribery and corruption in international business, undermining the credibility of good governance conditionality.

Major Issues
Consensus immediately breaks down when the WP moves to its analysis of economic globalisation. The UK government makes two very contested claims. One concerns the positive impact of globalisation on economic growth and inequality, whilst the other affirms the 'market-friendly' interpretation of East Asian economic success.

Declining or Rising Global Inequality?
In attempting to counter the common criticism that globalisation is associated with rising global inequality, the WP cites its own estimates (based on World Bank data) that inequalities between the richest fifth and the poorest fifth of countries have declined somewhat in the 1990s, a time of greater market openness, following increases in the previous three decades (para. 28). Yet, UNDP’s oft quoted figures of growing inequalities between the same sets of countries carry greater weight and credibility: in 1989, the richest fifth received 82.7 per cent of world income, whilst the poorest fifth received 1.4 per cent (UNDP, 1992); by 1996, the respective figures were 85.0 per cent and 1.1 per cent (UNDP, 1997). Further, UNDP states that relatively few countries have enjoyed high economic growth in recent times, whilst current income levels in 70 developing countries were less than in the 1960s and 1970s (UNDP, 1996). Similarly, other statistics indicate that neoliberal globalisation in the past two decades has led to growing North-South gaps (see UNCTAD, 1997, chaps. IV-VI), as well as to increased inequalities within nations.

East Asia: Market- or State-led Development?
Asserting that ‘openness is a necessary – though not sufficient – condition for national prosperity’ (para. 31), the WP turns for evidence to the ‘market-friendly’ interpretation of East Asian economic success. The WP claims that successful development in East Asia and China has been due to opening up to world markets, export-orientation and attracting inward investment (para. 31). This is highly contested, of course. Revisionist theorists (for example, Alice Amsden, Robert Wade, Ajit Singh) have provided ample evidence of the key role of state interventionism and strategic industrial policy in
building up domestic economies prior to opening up to world markets. Additionally, China remains one of the most regulated economies in the world.

In all, the WP fails to support its key assertion that openness to the global economy will lead to economic growth and poverty reduction. The limited evidence it presents is either ambiguous and/or contested, with divergent research findings ignored, for example, Rodrik’s (1999) insistence that there is no convincing evidence that international economic integration systematically improves economic performance and reduces poverty (also see WDM, May 2000, pp. 9-10, for a summary of recent research).

The following two sections look at the arguments and evidence concerning two crucial areas examined in the WP, foreign investment and foreign trade, contrasting two paradigmatic approaches: the pro-liberalisation orthodoxy of the WP and the regulatory alternative that it ignores.

### Foreign Investment

Enthusiasm for foreign investment, linked to the role of transnational corporations (TNCs), is evident in the WP.

_A central feature of globalisation has been the substantial increase in movement of capital around the world_ (para. 150), and _the attraction of capital inflows is an essential element of a strategy to speed up sustainable development and poverty reduction_ (para. 154).

The assumption is that foreign investment, unrestricted and unregulated, brings only benefits to developing countries. Indeed, financial deregulation and liberalisation have been the policy prescriptions of the international financial institutions for most of the past two decades (one exception is UNCTAD). Yet the East Asian crisis of 1997/98 demonstrated the dangers that accompany financial liberalisation, especially from short-term capital flows and currency speculation, moving (virtually and rapaciously) in and out of a country seeking quick profits. The destructive impact was evident with millions pushed back below the poverty line, for example in Indonesia. The mainstream response to the East Asian crisis, as reflected in the WP, has permitted only minor modifications of its standard prescription: the same goals of financial liberalisation are retained (‘opening up of capital accounts’), but with deregulation introduced in a more gradual and phased manner, as appropriate to country-specific circumstances (paras. 161-4). In contrast, to avoid the dangers and costs of financial liberalisation, an alternative approach emphasises the (re-)introduction of capital controls to protect an economy against such risks, as adopted successfully in Malaysia, for example.

At the international level, renewed attempts to ‘lock-in’ countries to financial liberalisation are evident by UK government support for a proposed international investment agreement, introduced this time through the WTO, (paras. 185-7). It is acknowledged that the OECD was the wrong forum through which to propose the ill-fated Multilateral Agreement on Investment (MAI), abandoned in 1998 after pressure from non-government groups. Perhaps the OECD’s partisan promotion of the interests of its members, the wealthiest nations, and the transnational companies based therein, was just too transparent. But will the revived proposal be significantly different? It is safe to assume that the proposed international investment agreement will enhance the ‘rights’ of foreign investors in ‘host’ countries, whilst simultaneously restricting the powers of governments to regulate the entry and operation of foreign companies and other investors. Such a foreign investors’ charter should be opposed. A generous interpretation would suggest that the UK government’s support is based on the false assumption that...
foreign investment brings only benefits for the host country. (A less generous one would assert a neo-colonialist agenda of commercial self-interest). In reality, all foreign investment involves a complex appraisal of risks, costs and benefits, varying between different types of investment. Governments must retain the capacity to select which type of foreign investment may be appropriate and potentially beneficial for their country's developmental goals, to refuse entry to those that are not, and to determine the terms and conditions of foreign investors' operations. The denial of such rights through an international investment agreement would clearly undermine the sovereignty of democratically elected governments to make such policy decisions.

No discussion of foreign investment should be complete without specific consideration of transnational corporations (TNCs), the agents of foreign direct investment (FDI). Yet, little is said about TNCs in the WP. Their positive role is assumed, with discussion limited to the issue of 'corporate social responsibility', apparently assured through voluntary codes of conduct and the revised OECD Guidelines for Multinational Enterprises (paras. 199-201). This current enthusiasm for TNCs contrasts with the vigorous criticism of their practices in the 1970s, for example, transfer pricing, tax evasion, large-scale profit remittances, exploitation of cheap labour and other abuses of workers' rights. This led to the draft UN Code of Conduct on Transnational Corporations, under negotiation from 1982 until its abandonment in 1991, following opposition from business lobbies and the US government. These contrasting approaches to TNCs are informed by different theoretical paradigms. The current 'hands off' approach (supported by the UK government) déclares regulation as discouraging TNC participation in national economies, whilst relying somewhat disingenuously on TNCs' compliance with unenforceable 'guidelines' and their own self-regulation. An alternative perspective acknowledges the potential contribution of TNCs to economic development, yet is aware of their tremendous power and that the negative aspects of their activities have not ceased to exist. This perspective advocates the regulation of TNC practices through both national (host) government regulations and an international regulatory framework that is enforceable. The latter could be realised through revising and updating previous attempts, notably the UN Code. Current international agreements, for example the recent TRIPs (Trade Related Intellectual Property Rights) and TRIMs (Trade Related Investment Measures) agreements of the WTO, privilege TNC interests in an 'Alice in Wonderland' manner, formulated to ensure that multinationals do not face 'disadvantage' in competition with domestic companies. In contrast, the power and multiple advantages held by TNCs when entering developing country markets must be recognised, with appropriate regulatory action able to be taken by governments.

Trade

The WP asserts that 'A key element of globalisation has been the reduction in barriers to trade' (para. 216) and is a strong advocate for free trade as a means to development. Citing the controversial findings of the World Bank economists Dollar and Kraay, the WP provides a ringing endorsement of the neo-liberal orthodoxy that trade liberalisation is associated with faster economic growth, which in turn is a necessary (though not sufficient) condition for poverty reduction (para. 218). Further, it sanctions the neo-classical theory of comparative advantage ('do what you do best and trade for the rest') and the associated strategy of export-led growth, be it of manufactured goods or primary commodities (para. 219-23). The latter proposition is deeply flawed, given the sustained, long-run decline in the terms of trade between primary commodity exports and manufactured imports, and constitutes a devel-

Development dead end. In more general terms, the trade reforms negotiated through the former GATT and now the WTO can be criticised in two distinct ways: one accepts the free trade paradigm but highlights Northern hypocrisy; the other provides a more fundamental challenge, questioning the benefits of trade liberalisation and suggesting that protectionist policies may retain some merit for non-industrialised countries. The WP addresses the first set of issues, but not the second. Both are examined here in turn.

Pressure on Southern countries to reduce their trade barriers (import tariffs and quotas) and open up their markets is contrasted with continued protectionism in the North. This takes various forms: extensive subsidies to agricultural producers in the US and in the EU (Common Agricultural Policy); escalating tariffs for imported manufactured goods; (mis)use of WTO anti-dumping rules; slow implementation of the Uruguay Round agreement on textiles and clothing, supposedly phasing out import quotas. UNCTAD has calculated that such barriers to developing country imports cost an extraordinary $700 billion per annum in lost export earnings, dwarfing aid flows and more than four times the average annual inflows of private foreign capital (UNCTAD 1999, cited in WDM 2000, p.47). In its favour, the WP acknowledges Northern hypocrisy over trade liberalisation, though not in such terms, and resolves to: [1]. press for reform of the EU’s Common Agricultural Policy and Common Fisheries Policy; [2]. implement the agreement on textiles and clothing; [3]. support the recent European Commission proposal to allow duty-free access into the EU to all exports (except arms) from the least developed countries. Whilst such measures are welcome, what are their prospects for implementation and in what timescale?

A more fundamental challenge to the neo-liberal paradigm comes from asking whether trade restrictions constitute a more appropriate policy response for many non-industrialised countries. Although the current prevailing wisdom resolutely opposes state interventionism, examination of the industrialisation processes undertaken by the now industrialised countries and, most pertinently, by the recent newly industrialising countries (NICs) of East Asia, reveals the key role played by targeted government intervention. Industrial policy, including trade restrictions, was crucial to the development of the domestic economy, especially key industrial sectors, prior to opening up to world trade. Typical measures included: support to infant industries through subsidies; their protection through import restrictions; controls on foreign investment through regulations on joint ventures, technology and skills transfer, use of local inputs etc. Whilst neo-liberal globalisation presses for the abandonment and the outlawing of such measures, an alternative view is that the above regulatory measures can be key options on the menu of government policies.

Although scarcely mentioned in the WP, the current debate over the WTO’s General Agreement on Trade in Services (GATS) is a further example of attempts to tie developing countries to liberalisation policies. Negotiations on GATS involve the ‘progressive’ opening up of such public sector services as health, education and water supply to corporate competition. Who gains? The impact on poverty reduction through such measures is highly debatable, less so the results for corporate profits. Yet the intent is to make liberalisation policies irreversible and removed from the arena of democratic accountability. This is unacceptable, implying the dominance of Northern commercial interests and power, and should be opposed.

The poorest countries, predominantly in Africa, may be marginalised within the global economy. Yet is globalisation the cause of the problem or the solution, the
disease or the cure? Is growing inequality and impoverishment a consequence of global processes that concentrate benefits amongst the few, privileging the already rich and powerful? Or is exclusion from globalisation the problem, with poverty reduction more realisable through increased integration into the world economy by opening up markets to inward investment and free trade? A third position would query the interest of international capital in the poorest economies, unlikely to attract TNCs and inward investment for purposes other than resource extraction, and encourage the examination of other development strategies, inclusive of grassroots-based, self-help options.

What can be stated most unequivocally is that the means to eliminate world poverty are both complex and contested. It is necessary to explore a range of development strategies, including redistributive policies, as appropriate to individual country contexts. A more ambitious WP could have opened up the array of such possibilities and encouraged their selection through national democratic processes. In contrast, the UK government contributes to international efforts to 'lock-in' developing countries to the 'one size fits all' model of sustained financial and trade liberalisation, particularly through international agreements like those of the WTO. Dangerously and destructively, such 'agreements' often involve the prohibition of alternative policies that could make an important contribution to national development. Worryingly and sinisterly, this denies governments and societies the right to determine their own development paths through democratic processes, suggestive that the rhetorical commitment of Northern governments and international institutions to democracy at national and international levels remains a façade.

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References


Reflections on Ghana's Recent Elections
Audrey Gadzekpo

Ghana’s last elections represented a crucial aspect of the transition to multi-party democracy that began with a ‘founding’ election in 1992 and ushered in the country’s Fourth Republic. A second ‘confirming’ election in 1996 continued that process, and the third, held on 7 December 2000 with a runoff on 28 December 2000, signalled Ghana’s commitment to constitutional democracy.

The elections were significant for a number of reasons. They marked the first time in the 43-year history of Ghana that there had been a successful alternation of power and provided a boost for Africa’s ‘third wave’ of democratisation. They also represented the beginning of the post-Rawlings era in Ghanaian politics. After 19 years in power, half of it as a military dictator, Flt. Lt. Jerry John Rawlings (Rtd.) was ineligible for a third term under the Constitution. But the elections were as much a verdict on his performance and popularity as they were a vote on his hand-picked successor and vice president, John E. Atta Mills.

Seven parties contested the elections with the ruling National Democratic Congress (NDC) and the opposition New Patriotic Party (NPP) the leading contenders. In all, more than 6 million Ghanaians out of a population of 18.4 million (60% of the voters on the overbloated register) voted on polling day. It proved the most competitive elections ever held in the post-independence period, and one in which Rawlings, the non-candidate, campaigned tirelessly for and overshadowed Mills, a former law professor and his party’s presidential candidate.

The outcome has been described as historic. John Agyekum Kufour secured the most votes of all the candidates, but failed to win the 50% plus one vote required to have been declared an outright winner in the first round. Three weeks after the first ballot and this time with the support of the rest of the five other parties who had together accounted for some 7% of the votes, Kufour beat Mills by polling 57% of the total valid votes cast.

The traditional strongholds for the NDC and the NPP – the Volta Region and the Ashanti Region, respectively – provided the bulk of support for the main presidential rivals, Kufour and Mills, in both elections. In the first round, Mill’s won 505,614 votes in the Volta Region, roughly 86% of the vote in the multiparty presidential election, increasing it slightly on December 28, during the runoffs to 589,719 votes (88.47%) to Kufour’s 76,839 (11.53%).

Compared with past elections when Rawlings, a native of the Volta Region, was the NDC’s presidential candidate, support for Mills in the Volta Region was relatively lower. Nearly 150,000 less voters in the NDC stronghold cast ballots for Mills in the first round than supported President Rawlings in his 1996 re-election bid. Mills’ showing nationwide was comparatively poorer than Rawlings. On December 7, Mills polled only 2,895,575 valid votes nationally, whereas Rawlings in 1996 tallied 4,099,760 valid votes, a difference of 1.2 million votes.
As expected, Kufuor generated most of his support in his home region, the Ashanti Region. In the first round, Kufuor received 950,602 valid votes from the Ashanti Region alone, which was over 30% of the 3,131,739 total votes cast for him nationally. In the second round he beat Mills by 768,509 votes in Ashanti, the NPP's traditional base, tallying over 1 million votes in the country's most populous region. In particular, Kufuor scored big in Bantama constituency, dubbed 'Florida' by its constituents and derided by critics as the NPP's vote rigging capital. Kufuor clobbered Mills in Bantama constituency by nearly 89,000 votes in the presidential runoff election, winning 90.4% to 9.59%. On 7 December, Kufuor had demonstrated the NPP's strength in Bantama, defeating the other six contestants by an equally impressive score.

While the pattern of voting in Ashanti and Volta region indicated that the country continues to be polarised along ethnic and regional lines, it is worth noting that regions such as the Central Region, appeared to have resisted ethnic voting. Even though it was Mills' home region he failed to carry the Central Region.

Election 2000 bequeathed to Ghana a new government whose antecedents are liberal democratic with an orientation towards free-market policies, and a more balanced parliament. The third legislature is composed of 100 representatives of the New Patriotic Party, 92 representatives of the National Democratic Congress, 3 members from the People's National Convention (PNC), and 1 member from the Convention People's Party (CPP). The remaining 4 seats are being held by independent candidates. This contrasts with the 1992 parliament which had no real opposition members because opposition parties had boycotted the parliamentary elections after claiming the elections were rigged, and the 1996 parliament which was dominated by the ruling NDC government by 136 seats to 64.

Disappointingly, despite high expectations and efforts by gender activists to get more women elected into Parliament, only 17 women were elected in the parliamentary elections of December 7, representing a reduction from the 19 women elected in the 1996, though marginally better than the 16 who made it into the 1993 Parliament. The number reached 18 following the victory in by-elections of the widow of a candidate in the Asutifi South Constituency who had died before election day. Nine of the 18 women who currently serve in Parliament represent the ruling NPP and the other 9, the opposition NDC. Four of the 18 are serving their third term, seven are in their second term and seven are making their debut in the nation's legislature.

Domestic and international observers pronounced the outcome of the elections generally 'free, fair, and transparent', but the contest for the highest office of the land and for the 200 parliamentary seats on offer were by no means flawless. The electoral process itself was undoubtedly a marked improvement over the 1996 elections, and far better than the controversial 1992 presidential contests and parliamentary elections. But some serious lapses and developments in the pre-election period nearly marred the process. The fact that elections were pulled off with considerable success in Ghana attests perhaps to the maturation of the citizenry, civil society, political parties, the media and more importantly, constitutionality.

One of the first hurdles the Electoral Commission had to confront was controversy over the voter's register that threatened to spark violence among supporters of the NDC and the NPP. The EC commis-
Briefing: Reflections on Ghana’s Recent Elections

sioner, Dr. Kwadwo Afari-Gyan, publicly admitted that based on recently released population census figures the register was substantially bloated by some 1.5 million potential voters. This was not the first election in Ghana’s Fourth Republic where charges of bloating in the register had been levelled against the EC. In 1992 political analysts judged that the playing field was skewed in favour of Rawlings and his party because of a hastily compiled and bloated voters’ register, an electoral commission appointed by the former military leader that was largely perceived as beholden to him, and an electoral process open to manipulation. By 1996, however, efforts were made to level out the electoral playing field. An Inter-Party Advisory Committee (IPAC) with representatives from all contesting political parties was formed and with financial support from the international donor community, the EC started to cleanse the registration process by embarking on a pilot photo identification card exercise and a new compilation of the voters register.

In 2000, the EC sought, together with other anti-rigging proposals, to extend the use of photo ID cards to cover the entire nation and to disallow the use of thumbprint cards that had been used as proof of voter identification in most areas of the country during the two previous elections. But the ruling NDC party was opposed to a total ban on thumb print cards, arguing that the EC had been unable to issue all potential voters with ID cards and was in danger of disenfranchising thousands of rural dwellers who were their strongest supporters. The opposition parties countered that the reason the NDC was opposed to photo IDs was because it planned to rig by having non-Ghanaians from neighbouring African countries impersonate names on the register and that without photo identification it would be difficult to thwart their efforts. The Supreme Court decided, in a unanimous decision, against the EC and allowed for both photo and thumbprint identification. In retrospect this was a non-issue as electoral information suggests very few voters voted with thumbprint cards, an indication also that perhaps the EC had after all reached practically all potential voters with photo IDs.

Persistent fear of vote rigging and lack of confidence in the balloting process led to calls by some political parties for the adoption of a system of limited voting hours. Dubbed erroneously as the ‘OAU method’ the system requires voters to first assemble to check on their names in the voter register, wait around until a specified time and then line up to vote. No one arriving after voting had commenced at the specified time would be eligible to vote. This scheme was used in the 1998/99 elections in Nigeria and was thought to have helped prevent double or multiple voting. However, this proved infeasible as changing voting time would have required changes in Ghana’s electoral laws and coming late as the proposal did, it was impossible to effect the needed legal changes.

Even the mundane matter of setting a date for the elections proved contentious. The original December 8 date was apparently based on the EC’s misinterpretation of the 1992 Constitution that elections should be held at least ‘30 days ‘ before Parliament stands dissolved and ‘not later than one month ‘ before the president’s tenure of office ends. On technical grounds ruling party officials challenged the constitutional basis of this date, and were supported by interests that pointed out that the EC’s original date fell on a Friday in the Muslim holy month of Ramadan. Some ruling party elements also canvassed for a change in the date on the basis of bizarre numerological and superstitious calculations that saw the date as advantageous to a NPP/Kufour victory (the date coincided with Kufour’s birthday). Matters were not helped when those who wanted to retain the date were branded as intolerant religious bigots. The EC executed a volt face and eventu-
ally changed the date to December 7. Although the opposition accused the EC of pandering to the ruling government, the new date was accepted.

Perhaps more alarming in the last few weeks leading up to the elections was the escalation in the activities of the security forces. Over two consecutive weeks the Ghana armed forces conducted military exercises in the capital to ‘test their combat readiness ‘ in case of external attack. At the same time four different attacks on the media fed existing paranoia that the status quo was bent on intimidating their detractors and hanging on to power. In the first incident, a journalist with a private newspaper was arrested on the orders of the Deputy Minister for Defence after the reporter had telephoned the Minister to verify a story alleging the he had pulled a gun on a security guard at a filling station. The second involved a private radio station in the Brong Ahafo Region which was cordoned off by the military after it had been ordered to shut down by the Regional Security Council for allegedly airing inciting statements by the NPP parliamentary candidate, raising questions about a military occupation of a private radio station. The third questionable act by security agencies against the media occurred when a regular panellist on GTV, the state-owned television station, was arrested, detained and interrogated by the Bureau of National Investigations (BNI) for comments he made on a breakfast show considered ‘insulting ‘ to President Rawlings. And the final incident, also involving the BNI, was the arrest of the publisher of a leading private newspaper for publishing information that allegedly came from stolen diskettes containing confidential material on the NDC campaign.

These incidents raised critical issues of civil rights, media freedom and undermined efforts by the military to improve relations with a civilian population that has for a long time viewed their links with the ruling government with suspicion. Civilian anxieties about a peaceful transition were also heightened when all but one of six opposition political parties signed a statement accusing Rawlings of threatening the peace and stability of the nation. The parties alleged that the outgoing President was deliberately sowing fear in the electorate through his public utterances, particularly regarding suggestions he made to the military that Ghana would be de-stabilised if power went to the opposition.

In general, fears that there would be wide-spread electoral violence failed to materialise although there were scattered incidents of violence, especially during the run-offs elections. A particularly serious incident occurred in Bawku Central in the Upper East region on 7 December, election day, which led to the death of more than 50 people and injuries to many more.

The campaign itself was largely vibrant and vigorous with low and high moments, well-attended rallies and a blitz of sophisticated advertising that aimed at engaging voters on the issues. A first was chalked when a presidential debate, involving six of the seven presidential candidates, was organised. Citing various reasons including a heavy work schedule, and foreign interference, the NDC candidate boycott the event. The presidential debate was co-sponsored by the Freedom Forum, an American-based international foundation for press freedom and free speech, the Ghana Journalists Association and the Ghana Broadcasting Corporation (GBC), which broadcast the over-subscribed event live. The debate, also beamed by CNN and South African Broadcasting Corporation into millions of homes across the globe, forced the candidates to simultaneously define the issues before a critical voting public. Dominating discussions were economic issues such as the escalating price and decreasing supply of fuel, the $500 million budget deficit, the declining value
of the monetary unit, affordable education and health care and employment opportunities.

Throughout the election period and especially during actual voting day the media underscored its role as integral to democracy. The state-owned media, accustomed to pandering to ruling party interests, made strenuous efforts to ensure fair and objective coverage of all political parties and their candidates. The GBC published an elaborate set of guidelines agreed to by the political parties and allotted equal media access to all presidential candidates. Each party was given five minutes of free air-time on state television and a total of 15 minutes each morning on two nation-wide radio stations. The state-owned Daily Graphic published, for the first time, its guidelines for equal and objective reportage. Most of the private radio stations also provided equal time for party candidates to debate issues or to speak to the electorate and to a limited extent, so did some private newspapers.

Perhaps the media’s most shining moments came during polling days when radio stations helped to alert EC officials on electoral problems at polling stations and informed the general public on acts of intimidation particularly in rural areas. The efforts of journalists in providing continuing election results were also seen as largely helpful in keeping the public abreast of polling results and in thwarting alleged efforts at altering results in the more remote polling stations and constituencies.

Media efforts were augmented by the initiatives of election observers formed by civil society organisations. The largest observer group, the Coalition of Domestic Election Observers, comprised over 20 prominent civic bodies such as the Ghana National Union of Teachers, National Union of Ghana Students, Nurses and Midwives Association, Civil Servants Association, the Ghana Bar Association, Ghana Legal Literacy Resources Foundation and the Trade Unions Congress. About 6,000 observers were drawn from these organisations in addition to an additional 5,000 deployed by the Forum of Religious Bodies to monitor the integrity of the polls.

Prospects After the Ballot Box

The outcome of the 2000 elections in Ghana brought renewed optimism that there could be a change in the nation’s body politic, as well as an awareness on the part of ordinary citizens that they could make a difference through ‘thumbpower’ (voting is done by thumb printing against the desired candidate). The promise of change was central to the electioneering process and was captured by the campaign slogans of the two dominant parties. The ruling NDC promised continuity in change, the opposition NPP promised positive change. It is early days yet to pronounce on whether the NPP government has brought about any positive transformations in the lives of Ghanaians, even though the government did receive rave reviews from media and political pundits after its 100 days in office.

Generally, the government appears to have started on the right foot by being open to the media. It has established a media liaison ministry and unlike the past government its officials have generally made themselves available to the media (appearing frequently on radio programs to respond to questions from journalists and the general public).

The new administration has also made an important symbolic shift by resisting turning national events into party rallies and minimising usage of party colours at such state events as the opening of the 3rd Parliament of the 4th Republic, the swearing in of President Kufour and his Vice-President, and the Independence Day’s celebration. Beyond symbols of national unity the Kufour administration has also made greater effort at inclusiveness by
appointing a few of its ministers and key government functionaries from opposing political camps, including the presidential candidate of one of the minor parties, the United Ghana Movement, who now serves as the country's energy advisor.

It has also promised to improve the low numbers of women representatives by appointing more women to cabinet than its predecessors. It is not clear whether this expectation may be met. So far only five of 37 persons nominated to become ministers are women. However, the NPP government has overtly signalled they intend to be gender sensitive by setting up a Ministry of Women's Affairs headed by a cabinet level minister to advise government on matters relating to women.

The new government faces enormous challenges. Economically, the new administration must tackle a deteriorating economy, a depreciating currency, low commodity prices on traditional exports such as cocoa and gold, and an out-of-control external and domestic debt estimated at about $3500 per capita in a country whose GDP per capita is about $400. Amidst criticism the Government opted to join the Heavily Indebted Poorer Countries Initiative (HIPC). Joining this World Bank/IMF program, which aims to wipe out roughly half of the debt of eligible countries to the developed world, angered many Ghanaians who felt there should have been a public debate if the country was to be officially declared poor and indebted, a label many find deeply offensive.

Having opted for debt relief the government must now prove it is more accountable than its predecessor by controlling corruption in a country where most public officials earn less than a living wage, where resource hungry ruling party and government appointees are faced with serious temptations of self-dealing and other moral hazards, and where pursuing ex-leaders suspected to have looted national assets is perceived as 'witch-hunting.'

The new administration is also presented with the challenge of national reconciliation and of healing the many social and political divisions left behind by the regimes of JJ Rawlings, as well as the deep social tensions that revealed themselves in an intensely competitive multi-party election. Since very little was done during the eight years of the Rawlings-NDC administration to readdress past human rights abuses and a politically divided nation, pressure for retribution against perpetrators of past human rights violations remains strong. There is neither a consensus on whether to grant clemency to perceived wrongdoers nor a framework for redressing past wrongs and compensating victims, although the government has announced a national reconciliation committee to address the issue.

There are genuine fears over whether the NPP government can avoid provoking uncontrollable or difficult to control constitutional and political crises, for instance over the transition clauses of the 1992 Constitution, and the possibility that JJ Rawlings might return to power through fair or foul means. His party has already threatened to file a lawsuit seeking interpretation over the term limits, arguing that the two-term bar means two consecutive terms rather than a total bar from contesting the presidency.

Finally, before the next elections in 2004 the government has the formidable task of curtailing the negative tendencies and attendant depredations of Ghanaian political culture such as playing the ethnic card, the proclivity towards one-party state and political patronage as well as low political tolerance. Together with the EC, the Kufour administration must also address the serious structural problems regarding not only an undermined voter's register, but the malapportionment
of parliamentary seats. The EC has stated that demarcation of constituencies is ‘the root cause of the problem,’ as malpractice begins ‘with the demarcation of electoral areas.’ Indeed, a close inspection of Ghana’s 200 parliamentary seats, apportioned before the 1992 elections, reveals that some parliamentarians are representing upwards of nine times as many people as other MPs. Figures released by the EC during the elections show some constituencies have less than 14,000 registered voters, whereas others have more than 100,000. With the 2000 census now in place, the EC is constitutionally mandated to redraw the boundaries of parliamentary seats to make sure they are more equally balanced.

In a continent marred by civil wars and political turmoil, Ghana is considered an oasis of peace and stability. The country’s successful alternation of power has raised hopes that it will become an example of Thabo Mbeki’s African renaissance. But the challenge remains for the new government to work diligently to consolidate the country’s impressive democratic achievements and overcome entrenched weaknesses inherent in a political culture that until recently was more illiberal than liberal.

_Audrey Ggadzekpo_, University of Ghana, Legon.

_GNA, ‘Allegations of Fraud in Volta Region are False,’ Daily Graphic, 2 February, 2000, p. 11._
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Egyptian electoral studies have always referred to the state's considerable leverage in the process of elections (El-Mekkawy, 1999). The President, Hosni Mubarak, for instance, is empowered by the constitution to set the limits for dissent and freedom of organisation but in the November 2000 election a concession was made; in 2000 it was the Judiciary that prompted the elections to be held under full judicial supervision that arguably led to the changing of Egypt's political map. The second point often referred to by Egyptian electoral studies refers to the ruling National Democratic Party (NDP) as the only political party associated in the minds of voters with delivering state services. The 2000 election marked if not an end to this view certainly a severe denting of it.

I will now look at the background to the election. This will be followed by an examination of some of the candidates and the way the election process was conducted. Finally I will assess the results.

**Egyptian Electoral Politics**

The parliamentary election held in the Autumn of 2000 proved in many respects to be a turning point in the history of party politics in Egypt. The Egyptian government, under heavy pressure from different political forces, embarked on a number of 'unprecedented' procedures to guarantee a fair and free process. It began with a landmark ruling by the Supreme Constitutional Court issued 8 July 2000 just three months from the election stipulating that judges should have full supervision over the conduct of the parliamentary elections. In previous elections, Judges were only allowed partial supervision that left many possible spaces where voting was rigged.

The court ruling forced the state to revamp one of the most important laws governing the rules and regulations of the political process in Egypt – the 1956 law on the exercise of political rights. Soon after the ruling was issued, President Hosni Mubarak formed a working group to study the implications of it; the result was an amendment of article no.24 of the 1956 law. This was declared unconstitutional by the court ruling because it did not ensure full judicial supervision over elections. Rather, it stipulated that judges oversee the major polling stations while auxiliary stations be supervised by government and public sector employees, namely civil servants. That allowed leeway for electoral tampering.

The amendment to the law stated that 'auxiliary polling stations in parliamentary elections should be monitored and placed completely under the full supervision of the judiciary', a request which the opposition had repeatedly called for in their struggle for political reform. This led to yet another unprecedented procedure: that parliamentary elections would for the first time be held in three stages. The court based its decision on article 88 of the Egyptian constitution that voting in parliamentary elections should be monitored completely by members of the Judiciary. The court ruling said:

*They are best able to carry out this supervision because of their impartiality and clear conscience and in order for voters to select their representatives in a safe climate, Judicial supervision should be veritable rather than formal.*

The election came on the heels of a year that saw political turmoil shake partisan life in Egypt. The ruling NDP had suffered a credibility crisis due to the involvement of some of its MPs in corruption scandals and the misuse of public money. On the opposition front, in-fighting, dissension and inability to forge political alliances and co-ordination dominated. Some parties had to stand the test of the change of the guard. While the liberal Al-Wafd, the biggest opposition party, made a smooth transition, others such as Al-Ahrar Democratic
Party failed. A few months before the elections were due, the Islamic-oriented Labour party had its activities frozen by the state, leaving fourteen legal political parties to contest the election. The election began on 16 October and ended on 18 November.

The Candidates & the Campaign

A record number of candidates registered for the election. Among the 4,259 candidates, some 1,000 hopefuls were businessmen, between 60 and 80 were Copts, (10% of Egypt’s population of 65 million are Coptic Christians) and between 80 and 100 women stood for election. This meant an average of 19 candidates for every constituency.

The 4,259 candidates (compared with 4,040 in the 1995 and 2,681 in the 1990 elections), competed for 444 parliamentary seats. There were 3,378 independent candidates of which 3,000 were members of the ruling NDP, who decided to run independently after the party refused to field them officially. This led some observers to note that with such huge number of independents running on the NDP ticket, ‘the major part of the battle was NDP versus NDP’ (Al-Ahram Weekly, 28 September to 4 October 2000). The NDP officially fielded 444 candidates, equivalent to the number of seats up for grabs. Fifty per cent were deemed to be ‘workers’ and ‘farmers’ – terms that were much abused, six cabinet ministers, four former cabinet ministers, 35 university professors, 45 lawyers, 30 engineers and 10 doctors. There were only 11 women, three copts, seven businessmen – though in early reports it was said to have nominated fifty, and in any case the descriptions of candidates was extremely fluid. New faces made up to 42% of the names on the NDP’s list. This meant that at least 186 NDP members of the outgoing people’s assembly were excluded. The NDP controlled 90% of seats in the previous 454 seat parliament.

Opposition parties fielded 172 candidates, 75 of whom belonged to the outlawed Muslim Brotherhood that had been hounded by several police crackdowns prior to the election. Auxiliary polling stations were reduced from 41,852 to 14,000 to make it easier for the judiciary to supervise them. Perhaps the two most important segments of the candidates were Copts and women. There had only been 57 Coptic candidates, in the parliamentary elections of 1995 and the NDP’s list had been devoid of any Copts. This time the NDP fielded three Copts including Economy Minister Youssef Boutros Ghali. The Wafd party fielded 12 candidates, the leftist Tagammu party four, the Green party three and Al-Wifaq Al-Watani party (the national Unity) and Al-Takaful party two each. As for women candidates, there were 23 on NDP’s official list and 120 ran as independents. This was an unprecedented high number, although of course derisory in relation to the numbers of male candidates.

The first and second round of the elections began with hardly any disturbance but with a relatively low turnout – given that the number of registered voters was 24,602,241 million. The voting turnout was between 15% in Cairo to 40% in rural areas. But what promised at first to be the fairest election since 1952 turned sour in its final stages as a wave of violence broke out marred electoral proceedings. Three major phenomenon prevailed: state-sponsored hooliganism (Al-Ahram Weekly, 16-22 November 2000), use of sectarian discourse in the election campaign and the Muslim Brotherhood’s effective use of the media.

According to press reports, many polling stations in several governorates were sealed off by police forces to prevent the supporters of NDP rivals from voting. The crowds reacted by hurling stones at police who responded by firing tear gas and rubber bullets. In some districts, hired thugs – both male and female – were used to scare away the voters. While
observers noted that the scope of violence in the election was much smaller than in the 1995 election, in 2000 even judges were not spared police harassment. When judges protested the blocking of voters by security forces, they were reminded by police officers that they were only responsible for the area within the polling station and not beyond it.

The constituencies that witnessed a bigger scale of violence were usually where Muslim Brotherhood candidates ran against the NDP. There were also reports of buses loaded with NDP supporters being allowed to cast their vote immediately while other voters were prevented or delayed from doing so. Polling stations were cordoned by heavy security (Al-Ahram Weekly, 16-22 November 2000). Some of the semi-government national dailies published, perhaps for the first time, critical accounts of security harassment. Voters sent complaints to Al-Ahram newspaper which published in its letters section several complaints about harassment from security forces. They noted the physical attacks by female and male hooligans hired by the interior ministry to scare opposition voters away from polling stations. The Egyptian Organisation for Human Rights published a critical account of the way the electoral process was conducted. The report took issue with a number of ‘new trends’ such as contesting election results on the basis that the candidate did not hold Egyptian nationality or held dual nationality; this was unprecedented. It also took issue with what it described as ‘a pattern of preventing voters from casting their ballots’. There were also five deaths resulting from campaign violence a figure much reduced compared with the 40 fatalities in 1995.

The use of sectarian language and the ‘religious card’ was not much in evidence at the start of the campaign but as the battle intensified, sectarian language emerged where candidates ran against Copts. In one most notable case where the NDP candidate for a north Cairo constituency used sectarian discourse against a Coptic Wafd party candidate, intellectuals from across the political spectrum, but particularly Islamist oriented intellectuals, signed a statement condemning the NDP candidate. The statement emphasised that:

the selection of candidates for parliamentary and government posts should be based on efficiency and not sectarian considerations, since all Egyptians are equal in terms of rights and duties, be they Muslims or Christians.

In a show of support against sectarianism the Muslim Brotherhood group urged its supporters in the constituency to cast their ballots for the Coptic candidate. On another level, it was also reported that in the constituency of minister Yousef Boutros Ghali, a Copt, voters complained that only Coptic voters were allowed to cast their votes and that security forces prevented Muslim voters from casting their ballots.

Another new phenomenon to the election was the media machine of the Muslim Brotherhood. It proved very effective as it kept newsmen in touch with the latest police rounds and crackdowns on Brotherhood supporters. Perhaps one of the important phenomenon is that many candidates chose to steer clear from raising issues of national politics in their electoral campaigns and speeches. Opposition candidates choose instead to focus on issues relating to the provision of local services like health care, sewage and waste disposal, corruption and to an extent the consequences of privatisation programmes.

The Results

Three hundred and twenty-nine members of the outgoing parliament lost their seats: that is, 65% of members. Of these 329, 317 belonged to the NDP. The NDP fielded 446 candidates covering all 222
constituencies but only 170 were successful. The interior ministry took it upon itself to add a number of winning independents to the NDP lists. This occurred because the successful independents had belonged originally to the NDP but the party had deselected them. As the press noted however, they ‘remained loyal to NDP principles’ and the interior ministry did not breach any law by adding them to the NDP list. The number of MPs belonging to the NDP thus increased from 170 to 388 (an increase from 38 to 85.5%). In the previous parliament NDPs 410 seats reflected 90% of the assembly.

Opposition parties won sixteen seats, seven for the Liberal Wafd party, six bagged by the leftist Tagmmu party, two for the Arab Nasserist party and one for the Liberal party. The Muslim Brotherhood group managed to win seventeen seats. Seven women and three Copts were also elected. Embarrassingly, three party leaders failed to get elected – the Nasserist party’s Dia Eddin Dawoud, Usama Shalasit of the Takful party and Ahmed Shoehib of the Al Wifak party. A reading of the results would suggest the following:

- Independents won the lion’s share in the election reflecting voter mistrust of the partisan life as a whole. Out of 3,076 independents who contested the election 256 made it to the assembly and out of this number 218 have joined the NDP compared to 111 independents who joined in 1995.

- Out of 256 there were seventeen members of the outlawed Muslim Brotherhood and another two with Islamist tendencies. The Muslim Brotherhood victory has taken everybody by surprise including the Brothers themselves but whether or not this victory will affect their relationship with the government remains to be seen. The Muslim Brotherhood success has led many, including the Egyptian Organisation for Human Rights (EOHR), to question the government’s ban on the group’s activity. An EOHR Report has called on the government to ‘reconsider the group’s legal status and integrate it into society like all other political parties’. Brotherhood sources said that they are keen to play an effective role in parliamentary life since many contended that their previous parliamentarian performance was unimpressive. They remain the biggest opposition bloc in the assembly.

- In economic terms the assembly is divided into two rival camps; a majority with liberal tendencies against a minority which opposes liberalisation and policies of privatisation. The liberal camp comprises the Wafd, the Brotherhood and the NDP. The number of businessmen fielded by the NDP was 50 out of which only fifteen won plus the ten independent businessmen that were elected.

- The conduct of the election reflects what observers of Egyptian affairs described as ‘the demise of politics’ since the criteria for election was based not so much on ideological orientation but on the question; how many services can the candidate deliver?

- The appalling performance of political parties in Egypt reflected the deteriorating state of party politics which many of the opposition figures suggest is due to the fact that political parties have ceased to be channels to articulate political values, rules and policies. This is why the candidates belonging to political parties were not recognised by voters as fundamental agents of political change and a viable alternative in cases of the rotation of
power. This goes some way to explain why people voted for individuals and not parties. Even those who voted for the Brotherhood did so less out of political conviction or ideological reasons and more because of perceived social bonds with the candidate. Voting was also punitive in nature: many voters were simply determined not to cast their vote for the NDP, and it was only secondary who they should give their vote to. Voters, in short, wanted to punish the ruling party.

• Voters emerged as a force which should be considered in any balance of power. They did defeat many NDP deputies and they elected independents and Muslim Brotherhood candidates. There has been a weakening of partisan politics. There was awareness among winning candidates that their success was due to their popularity in their districts and not to the privilege of being linked with the NDP or any other party candidate. There were even cases when the winning independent refused to join the NDP. Ironically, part of the opposition against the government came from independent deputies who joined the NDP and this reinforces the view that reform of the way the NDP conducts itself is more than ever on the Egyptian political agenda.

• The emerging of the judiciary as a key player in pushing forward the process of political liberalisation has been central to a possible new phase of Egyptian politics. The 8 July ruling was viewed by opposition forces as a major step for enhancing parliamentary democracy in Egypt. It also alerted the attention of Egyptians to the role which the judiciary, in general, and the Supreme Constitutional Court in particular, could play in reforming the political ‘exercise’. The ruling comes in a series of court cases that exposed many political issues that had always been tilted in favour of the ruling party. In fact many of the existing political parties gained legality only by means of a court order.

• Perhaps one of the most important consequences of the election is that it reflected disarray within the ranks of the ruling party, therefore one of the most important results of the election is the party’s decision to put its house in order. A committee was formed by the President, who is also the head of the ruling party, to restructure the party’s ranks after the appalling electoral performance. Reports of a conflict of interest emerged between the party’s old guard headed by Yousef Wali, the minister of agriculture and deputy head of the party and the new faces headed by the President’s son Gamal Mubarak on the means of restructuring the party.

Conclusion

In many respects, last years’ election is considered to be the first truly free election in almost fifty years. It yielded greater representation of opposition parties and independents yet there are still many procedures needed to establish a more democratic system. Perhaps the most important question is whether the election of such an assembly would lead to getting Egypt closer to a more democratic parliamentary democracy – one in which Egyptian voters had confidence that issues and agendas could be discussed openly and effectively and where a change in regime was possible if sufficient numbers of Egyptians chose to vote out incumbents of office. Such a situation is a long way off. Effectively Egypt remains a one-party state where political parties cannot operate as parties: they need permission to function and perform
even basic activities like holding meetings and trying to mobilise support. Despite an election result that prompted the NDP to ask questions about its own performance, it remains the case that Egypt's recent political past has promoted a political liberalisation. There has been much optimism regarding last years election results but the ruling NDP still rules OK.

Omayma Abdel-Latif is a journalist with Al Ahram Weekly. She writes here in a personal capacity.

Notes

1. Before the court ruling was issued, government officials opposed the idea that elections be held on stages. Their pretext was that the number of judges – which stands at 9,949 were insufficient to supervise 42,000 auxiliary polling stations. Both Justice minister – under whose authority the judiciary is placed and the minister of state for Parliamentary Affairs, Kamal El-Shazli, and Judge Mukbel Shaker, head of the Judges strongly opposed the extension of voting over over several stages.

2. Despite this amendment, judges whom we interviewed after the court ruling expressed their doubts that they would be given full authority or the material resources needed to do their job effectively: a fear realised during he elections. Al-Ahram Weekly, 'The Judges are Coming' by Omayma Abdel-Latif 13-19 July 2000.

Reference


**Human Rights in Egypt**

The following is a press statement issued on 24 May 2001 by six Cairo based human rights organisations. It relates to verdicts by an Egyptian court which according to Amnesty International and other observers failed to meet international standards of fair trial. The sentences reported here against Professor Saad Eddin Ibrahim (an American University in Cairo Sociology Professor and 27 co-defendants cannot be appealed to a higher court on the substance of their case; an appeal to the Court of Cassation can only be based on procedural grounds. Witnesses were interrogated in the pre trial and trial proceedings without the presence of a lawyer. One defendant, Nadia 'Abd al-Nur was interrogated for more than two weeks without a lawyer, and once the trial began, defence lawyers were only given a matter of hours to examine numerous trial documents.

The indictment against Professor Ibrahim and his co-defendants included receiving unauthorised funding, forgery and bribery stemming from their work at the Ibn Khaldoun Center for Development Studies and the Egyptian Women Voters' Support Center. That work involved the promotion of voter participation and election monitoring of Egypt's national parliamentary elections conducted in October and November 2000. Professor Ibrahim and others were arrested in June and July 2000 and held for days and weeks without formal charge. Released in August 2000 their trial began on 18 November amid a frenzy of media hostility towards the defendants. Although defence council made the case that the Ibn Khaldoun Center was registered as a private company and not as an NGO and was therefore not subject to decree No.4/1992 which applies only to individuals and NGOs, the court passed a speedy sentence on the defendants. Professor Ibrahim, who is not in good health remarked after sentencing to the Cairo Times:
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I feel along with the lawyers that the whole case is politically motivated and the sentences politically dictated. But the fight for civil society goes on in Egypt and the Arab World. I'm confident that history is on our side.

Press Statement

The prison sentence against Saad Eddin Ibrahim and his colleagues is a threat to the civil society institutions of Egypt. The undersigned rights organisations have received with grave alarm news of the sudden ruling of the state security court in the case of Dr. Saad Eddin Ibrahim and his colleagues. Professor Ibrahim has been sentenced to 7 years hard labour while his 27 colleagues have received rulings ranging between 1 to 5 years in prison, nine of which were suspended sentences. They were transferred immediately from court to Istiqbal Tura prison and Al Qanater women's prison.

The undersigned organizations express their shock and deep disturbance towards this ruling as they believe that the charges upon which Dr. Ibrahim and his colleagues were penalized are based on faulty and exceptional legal articles. The charges are based on military decree no. 4, 1992 based on the powers granted to the military governor under Emergency Law No. 162, 1958. In addition, the prosecution bureau that has conducted the investigation of the case – the State Security Prosecutor – is an exceptional prosecution body whose mandate is derived from the state of emergency; it has a wide jurisdiction combining the power of prosecution and investigation which is part of the mandate of the state security court. This is an exception to the code of criminal procedure that safeguards the rights and civil liberties of citizens.

An unprecedented smear campaign targeted the prominent civil libertarian Dr. Ibrahim - a character assassination which may have had a negative influence on due process of his trial. At the same time, the prosecutors have interrogated the author of a book defending Dr. Ibrahim but did not take any measures against the accusations of treason and espionage that were made against Dr. Ibrahim on Egyptian television.

The undersigned organizations believe that the arrest and trial of Dr. Ibrahim and his colleagues is a continuation of the state's hostile policies against civil society institutions in Egypt, aiming at the silencing of all institutions that try to participate effectively in public issues. From our experience we feel strongly that the state is practising the intimidation of civil society in order to stop their work in the defence of human rights, the development of democracy and participation in economic, social and political development.

The undersigned organizations see the ruling against Dr. Saad Eddin Ibrahim and his colleagues as coming within a general regression in civil liberties represented in the refusal to revoke incarcerating penalties in crimes of expression, which has led to a number of prison terms against journalists. It also has led to the freezing of the Labor party and its newspaper, Al Shaab; to the government's disrespect for court rulings ordering the return of the newspaper to the party; to the government's disrespect for court rulings regarding the recent parliamen- tary elections whose implementation would invalidate the parliamentary membership of a large number of the ruling party's parliamentarians; and finally, to the government's insistence on refusing the registration of the Egyptian Organization for Human Rights.

The undersigned organizations express their deep concern and demand of the Egyptian authorities the following:

1. To stop the implementation of the ruling against Dr. Saad Eddin Ibrahim until an appeal is filed to the cassation court, as was done in
the case of Mostafa Bakri, the editor in chief of the Al Osboa newspaper, and his brother Mahmoud, especially as Dr. Ibrahim has been suffering from a clear deterioration of his health;

2. To revoke the military decree No. 4, 1992, bearing in mind that the Prime Minister had declared in parliament during the previous parliamentary session the cancellation of the military decrees and that the speaker of parliament had declared at the time the un-constitutionality of those military decrees as is registered in the minutes of parliament.

3. The Egyptian government has to reiterate its adherence to the international instruments – foremost of which is the international covenant on civil and political rights – by amending the legislation that contradict these instruments and covenants;

4. The cancellation of all forms of exceptional courts (military, state security emergency, state security), as these courts are a violation of article 5 of the Basic Principles on the Independence of the Judiciary issued in November 1985;

5. The immediate cancellation of the Emergency Law.

The undersigned organizations strongly state that these undemocratic practices on the part of the authorities will only lead to the frustration of the activist groups of society and the deprivation of civil society from its institutions and that these trials against civil society activists do grave harm to the standing of the country internationally. They therefore demand that the Egyptian authorities stop this unjustified campaign against rights activists and show respect to democracy and human rights in order to avoid a schism between the state’s discourse in international forums and its practices inside the country.

- The Cairo Institute for Human Rights Studies
- The Hisham Mubarak Law Center
- The Human Rights Center for the Assistance of Prisoners
- The Egyptian Organization for Human Rights
- The Arab Center for the Independence of the Judiciary
- Al Nadim Center for the Rehabilitation of the Victims of Violence

SEND LETTERS OF PROTEST TO:

His Excellency, President Hosni Mubarak, Presidential Palace, Cairo, Egypt (with copies to the Ambassador of Egypt in the country where you reside).

You can also sign the petition at: http://www.PetitionOnline.com/FSEI/
The Tanzanian General Elections on Zanzibar
Greg Cameron

Background

On 29 October 2000, 10 million voters in 231 constituencies cast their votes for 13 political parties throughout Tanzania. The election on the Tanzanian mainland was predictably won by the ruling CCM (Party of the Revolution) against a divided and weak opposition. In Zanzibar, on the other hand, the CCM faced a fierce challenge from the CUF (Civic United Front) as approximately 450,000 people voted in 50 constituencies for Union and Zanzibar Presidents and candidates for the Union and Zanzibar Legislatures. In the words of the staid Commonwealth Observer Group, 'The Zanzibar elections were not free and fair, and were in fact, “a shambles”'. The January 2001 massacres on Zanzibar and subsequent refugee crisis can be directly linked to the flawed elections and the refusal of the CCM regime to respect the majority will of Zanzibarins. Without a doubt a watershed has been reached, one that will further deepen the political, socio-economic and constitutional crises afflicting the Isles and the United Republic of Tanzania itself.

Space does not permit a deeper examination of Zanzibar’s historical and post-colonial political experiences nor even the ‘deep’ politics of the 2000 campaign itself, and for our purposes the 1995 General Elections are a good place to start. The 1995 elections were won by a razor’s edge by the CCM though there was a widespread perception among the opposition and most Western countries that the CCM-controlled Zanzibar Electoral Commission (ZEC) had manipulated the presidential results in favour of Salmin Amour, the Zanzibar President, against Seif Shariff Hamad the CUF presidential candidate. As a result, the CUF boycotted the Zanzibar legislature where it had won 24 of the 50 elected constituencies encompassing all of Pemba’s 21 seats and three on the main island of Unguja. The inter-island divide between Pemba and Unguja replicated the last colonial election of 1963 almost down to the last seat, at least in terms of constituency patterns. Most Western donors froze aid to the Zanzibar government though crucially not to the Union government.

The years leading to 2000 were marked by a deteriorating political and economic climate with the Union government of President M’kapa taking a ‘hands off’ approach to the deepening problems on the Isles. There was widespread albeit low level violence in the aftermath of the 1995 elections. The salient events of high politics included CUF retaining a crucial Stone Town constituency which CCM went to desperate lengths to win. And 18 CUF leaders were shortly thereafter arrested on trumped up treason charges and languished in jail for over two years without ever being convicted of any crime. There was also outside attempts to break the political stalemate.

The Commonwealth Agreement

On 4 May 1999 the Commonwealth Secretariat in London announced an agreement between the CCM and CUF. The formal signing of the agreement in June raised expectations that four years of political strife had ended. The fifteen Articles of the Agreement covered controversial areas such as review of the constitution and electoral laws, reform of the Zanzibar Electoral Commission, compilation of a credible voters’ register, equal access to the government-owned media, guaranteed freedom for all parties to seek voter support unhindered by government obstruction, reform of the judiciary, reconciliation and reconstruction measures including compensation to some CUF members, and ending CUF’s boycott of the Zanzibar legislature. CUF
ended their boycott of the Zanzibar legislature in June 1999, thereby recognizing the government of Salmin Amour. CCM stalled and refused to implement its side of the agreement, including the creation of an independent ZEC.

In fact the only constitutional review was an attempt by some members of Zanzibar CCM to amend the Constitution to permit President Salmin Amour to run for a third five-year term, 'because people loved him'; CCM Dodoma nipped that initiative in the bud. Abeid Karume, son of the assassinated first president and Minister of Communication and Transport since 1995, was chosen to be CCM's presidential candidate. Karume beat the preferred candidates of CCM Zanzibar and Amour's chosen successor, Chief Minister Bilal. Delegates from CCM mainland supported Karume against Bilal much to the suspicion of CCM Zanzibar and CUF alike.

The Campaign

Karume said his main task would be to defend the two pillars of CCM Zanzibar: the 1964 Zanzibar Revolution, and the Union. Karume promised reconciliation to overcome the inter-island division between Pemba and Unguja together with effective development projects such as small credit funds, a seaweed purchasing body, the revival of the co-operatives and so on. Karume qualified socio-economic development on the lifting of the donor aid freeze, a situation he blamed on CUF for urging the aid freeze in the first place. CCM also lambasted CUF for allegedly saying that 'life was better in the colonial period', meaning that CUF wished a return of the Omani Sultanate. Regarding the Union with Tanganyika, CCM argued for two governments and that a federal system as proposed by CUF would break the Union, 'something that will never be allowed to happen' said President Mkapa, warning ominously that if the two government union was broken then Pemban businessmen would have to return to the Isles. CCM also invoked the memory of Julius Nyerere as the visionary behind the Union. CCM followers especially in rural Unguja also feared a CUF victory would mean a return of land nationalized in the 1960s to the Arabs. Zanzibari Christians feared CUF would introduce Islamic law.

Many in CUF, though not all, did not so much dispute the outcome of 1964, in which many had either participated in or had family who did, but rather that ASP/CCM excesses had not been followed by reconciliation and compensation to victims. The return of the Arabs, CCM's line if CUF were to win, would also mean that even CUF followers would lose their property in opposition strongholds like Stone Town which were nationalized after the Revolution.

Opposition supporters pointed out that CCM itself had failed to deliver on the promise of the Revolution such as better health and education – that is why CUF said life was better prior to 1964 when education and hospitals were the envy of the East Africa of the 1950s. Post-1964 was the key issue. For those gravely injured or ill showing up with empty pockets at empty hospital wards, Mapinduzi Daima (the Revolution Continues, CCM's militant battle cry) would not help ward off premature death. CUF promised improvement in social services within 100 days and a direct assault on youth unemployment, plus the collection of port taxes. Many opposition supporters asked what more could CCM do after 40 years in power. The fact that civil servants had gone unpaid for at least 2 months, and some longer, during an election campaign when a political party should be shining things up, left CUF followers wondering what would be the performance of CCM after the elections when it would no longer be seeking votes.

In the Pemba countryside clove farmers and pickers opposed the government's
exploitative monopoly on clove export prices (7% of world price in the late 70s), and approximately 50% less than the informal market price during the election period. This is a key factor that CCM has ignored in its ongoing polemics with the grievances of the people of Pemba, and missed out by many observers of the Isles. CCM’s arguments on the need for clove profits for development clashed with farmers’ perception that foreign exchange earnings supported the infrastructure of the Zanzibar Town or found its way into the pockets of elites rather than into their own rural communities. CUF promised to break up the monopoly and allow a free market in cloves.

CUF wanted a three government federal structure: a government of Zanzibar, Tanganyika and an over-arching Union government with a few select powers like defence. CUF feared that otherwise Zanzibar would be swallowed to become another region like Mafia Island. CUF also claimed that the Union government coveted hidden off shore oil reserves, something CCM strenuously denied.

Suspected as the Union’s cat-paw to swallow Zanzibar, the ‘Baby Lion’, as his supporters hailed Karume, would be ready to bare the razor sharp claws of the security forces should CUF take its jino kwa jino (tooth for tooth) and ngangari (unshakable) to the streets. CUF’s rallying call meant its determination to see through its democratic rights; while for CCM it meant proof of the opposition’s predilection to cause chaos. Nonetheless a faction-ridden CCM sent out mixed signals such that many in the opposition believed that Amour and Shariff had come to an understanding, whereby Amour would not tamper with the ZEC, like in 1995, if CUF were to win. Amour’s lukewarm campaigning and a toning down of his militant rhetoric appeared to many Zanzibarists to be another indicator of this rapprochement with the CUF leadership.

The Other Campaign

There were allegations of electoral irregularities on both sides: mainlanders voting, improper residency claims issues, underage voting, plans to stuff ballot boxes, double voting by security forces personnel and so on. The campaign violence was one sided, however. Police brutality against supposed opposition ‘trouble makers’ was constant and culminated in the shooting of six CUF supporters at a rally at Kilimahewa, the wounded subsequently being charged at their hospital bedsides. Both sides predicted victory especially CCM who claimed that Pembans had abandoned CUF in their thousands. Karume simultaneously ruled out a coalition government while portraying himself as the great reconciliator. Confident of victory the CUF advocated a national unity government. Independent estimates of voting patterns and demography on both islands indicated a significant majority for CUF.

Election day was a fiasco. The main vote witnessed a high turn out, but there were problems reported in all constituencies. In particular, in the 16 Urban West constituencies in and about Zanzibar Town, ZEC failed to deliver ballot papers at all! Curiously ZEC then ordered a stop of the counting in all 50 constituencies. The ballot boxes of the 34 constituencies were immediately taken by police and ZEC officials for ‘safekeeping’ while a rerun of the 16 constituencies was planned for the following week. For the remaining 34, CCM said it would be too expensive to rerun especially when serious problems were only in the 16. CCM’s Central Committee quickly met in Zanzibar and blamed ZEC personnel colluding with CUF for the disruption and affirmed the Party’s decision to go for a rerun in the 16 constituencies only. CUF demanded an interim government and the disbanding of the ZEC (election law prohibited court appeals over ZEC’s decisions) and that the election for Zanzibar be repeated in its entirety since the ballot boxes had
been tampered with. Most if not all international observers said the elections had been deeply flawed and immediately left so as not to legitimize the rerun. The result of the rerun, which had a low turn out due to the CUF boycott, gave Karume the 'victory' with 67% and the CUF leader Seif Shariff Hamad 33%. For the Zanzibar legislature CCM won 36 seats and CUF 16. CCM now had the two-thirds majority to change the Zanzibar constitution. Five of these 36 seats came from Pemba – a historically unprecedented number. Karume appointed a new Chief Minister, Shamsi Vuai Nahodha, and replaced all of Amour's ministers in the Cabinet. The Zanzibar CUF recommenced its boycott of the Zanzibar and Union legislatures.

**Spectres of Violence**

As 29 October loomed the world famous Stone Town became a ghost town, devoid of tourists who had decided to seek sun and sand elsewhere. Large police patrols passed empty hotels throughout the historic Stone Town, subjecting the locals to random beatings in the evenings. Violence intensified throughout the week leading up to the rerun. There was a police riot at Darajani where youth and even women were soundly beaten and dumped onto police land rovers to be thrown in jail. The police alleged that locals threw stones at them, though it appears many were merely cheering the CUF leader as he passed by in a motorcade. Around this time there occurred a mass exodus of women, children and the old to Pemba and Dar es Salaam. A series of bomb blasts throughout Zanzibar heightened tensions and injured a CCM cadre in Pemba. CCM said CUF set off the bombs which CUF denied saying CCM was responsible for the blasts used as a pretext to arrest CUF activists. In Kengeja, south Pemba, villagers fled into the bush from lorries of police out to track down CUF youth who beat up a policeman. A curfew was imposed on Pemba.

**What did the Zanzibar elections reveal?**

The elections revealed a CCM whose chief electoral strategy was to sidestep the fledgling democratic process on the Isles in order to pre-empt the CUF from becoming the governing party of Zanzibar. It feared that defeat would be the end of its tenure and even the beginning of the end for its monolithic rule on the mainland. Thus CCM whipped up ethno-historical sentiment as a divide and rule tactic in order to maintain its dwindling coalitional base on Unguja. Aside from sidetracking debate on its lamentable economic record over 37 years, CCM's ethno-historical discourse also created an 'other' of the opposition justifying the 'bullet over the ballot' approach to multi-party politics, and even mass murder if necessary.

The elections also reveal once again CCM's refusal to address the grievances of the majority of Zanzibaris on a Union well past its cold war 'sell by' date. The Union government did nothing in 1995, and certainly resisted calls for debates on the Union during the single party era. CCM undermined the Commonwealth deal. Its praise of brutal police actions, the Central Committee’s affirming the ZEC decision, the supporting of the less popular Karume faction, and its attitude towards the opposition as 'traitors', showed that the Union government was a direct player in the disastrous 2000 elections. The elections also revealed the economic crisis besetting the Isles: poor clove prices from the state monopoly, declining per capita income and the need to give Pemba fairer treatment. This would explain the declining popular vote on Pemba for CCM from 44% in 1963 to about 10% in 1995, a point which undermines arguments that political divisions are historical and makes a mockery of CCM's sudden popularity in five Pemba constituencies when it had not even obtained that many in the 1963 election. Indicators are that many youth on Unguja
are also gravitating to the CUF. Unfortunately it is impossible to determine the true popular vote for the 2000 Elections.

Noteworthy was the ambivalence of certain Western powers towards the electoral coup d'etat where it appeared realpolitik had surpassed concerns for human rights. Pan-Africanist and anti-Islamic sentiment had emanated from the US ambassador, perhaps reflecting the misperception of CUF as 'fundamentalist'. The US urging of an internal settlement as against a deepening of the aid freeze seemed to some to reflect this pro-CCM bias. CCM itself took comfort from US electoral mismanagement in Florida. The repression of the democratic will of the majority of Zanzibaris will only make reform of the Union – something desired on the mainland as well – that much more difficult. The issue will never die and will now only deepen and may spill over into Tanganyika in due course where CUF is now the main opposition party. CCM blocks not only a democratic resolution of the Union question but the maturation and deepening of the liberal democratic experiment itself because a chance for CUF to govern would allow Zanzibaris themselves to assess and compare the performance of the two great parties of Zanzibar.

**Urgent Action**

Since the elections the major opposition parties finally called their supporters onto the streets in mass demonstrations throughout the major cities of Tanzania in late January. Between 30 and 70 people were killed in cold blood by the police throughout the Isles, with reports of brutal atrocities for those wounded as well. Thousands fled to the mainland or abroad and upwards of 2,000 refugees mainly Pembans now languish in refugee camps in Kenya. Hundreds more can be expected to seek asylum in the United Kingdom and the West. It is not clear what the stance of the Western powers are. As one local asked, 'why is it that Western powers introduce multiparty's and then only intervene after bloodshed has broken out, like in East Timor?' It appears the donor aid freeze against the Zanzibar government remains in place but that the aid freeze will not for the moment be extended to the Union government. Perhaps Western countries fear destabilizing the Union government in a region where instability is the norm. Yet the ostensible Zanzibar crisis is now a national crisis. For how can a growing opposition in civil society both on the Isles and increasingly on the mainland hold the hope for achieving fundamental change though parliamentary means when CCM may continue rigging ballots in future national elections indefinitely?

I urge readers to support the democratic opposition’s demands for a repeat of the 2000 Zanzibar elections, the creation of an independent electoral commission and the formation of an independent inquiry into the January massacres. This could involve lobbying the Tanzanian and Zanzibar governments but given the response of the regime to the Commonwealth Agreement it may be more fruitful to put pressure on Western governments as well as international organizations like the Commonwealth and UN to in turn put serious pressure on the CCM regime. This may also include working with civil society organizations holding their respective national governments to account around their rhetoric on governance and human rights.

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Pressure on to keep crop seeds patent-free
Tinashe Madava

In order to safeguard world food security, concerned organisations are calling on their leaders to keep open access for all seeds around the world’s most important crops unrestricted by patent and intellectual property rights.

Negotiators met in April at Spoleto, Italy to revise the FAO International Undertaking on Plant Genetic Resources amid calls by civil society that unless free access to crop seed is guaranteed, the world’s ability to ensure food security will be profoundly at risk.

Forty-one governments, industry representatives and the civil society representatives attended as part of the UN Food and Agriculture Organization (FAO) contact group, to prepare the treaty for the FAO Commission on Genetic Resources for Food and Agriculture (CGRFA). The commission meets in Rome 24-30 June before the World Food Summit in November.

Anti-seed patenting groups argue that the world’s seeds will increasingly fall into the hands of multinational corporations who, protected by patents and intellectual property rights, will decide what people can eat. The international undertaking will also be discussed at the November summit.

Following six days of bitter negotiations, reports from Spoleto indicate that governments are close to agreement on a binding treaty to conserve and share the genetic resources of the world’s major food crops. Optimists say a binding treaty might be agreed at the November summit.

Under the deal, governments will ‘facilitate access’ to millions of scientifically important seeds stored in national and international gene banks. Central to the South’s acceptance of the deal – which has pitted South against North for more than six years – is an industry offer to accept mandatory taxation of its global seed royalties for the crops to be accessed. The tax is to be ploughed back into agricultural development. The US, Australia, Canada and New Zealand adamantly oppose the tax scheme. Europe, Africa, Asia (including Japan) and Latin America support the treaty. Until Spoleto, the opponents plus Brazil and Colombia, have held up agreement for years. Reports are that Canada and New Zealand are likely to break ranks and the US will not accept the treaty.

Supported by the rest of the G77, Africa came into the meeting insisting that no intellectual property could be allowed on ‘facilitated’ crops. America and Canada wanted everything patented. Europe wanted the freedom to protect varieties or other genetic material that was not ‘essentially derived’ from the seeds listed in the treaty.

Described by some critics as ambiguous, an understanding was struck to guarantee that the genetic material exchanged through the treaty would remain in the public domain even if material derived from it was patented.

However, little money has been offered to promote the conservation and enhancement of agricultural biodiversity. Governments have failed to block all intellectual property incursions on food security. While the world’s scientists and breeders will have access to the most important crop germplasm (seed embryo), the world’s farmers have got little from the deal.

Farmers’ rights adopted by FAO in 1989 have been marginalized. Observers say farmers’ rights to save and exchange any seed under any conditions have been left to national legislation. Pat Mooney of the
Rural Advancement Foundation International (RAFI), an international organization based in Canada said:

Farmers organizations and civil society will be coming to the public FAO Commission meeting in June to protect the gains that have been won and to reopen the negotiations on farmers’ rights.

If the negotiations can’t be reopened, we will call for an extraordinary resolution from the commission to send farmers’ rights to the UN High Commissioner on Human Rights in Geneva. Since the U.S. seems to have little influence on the high commissioner, there is a reasonable chance of making progress there.

Meanwhile, Northern institutions have been accused of siphoning away valuable biological resources for development into genetically-modified foodstuffs and seeds to be sold back to the south at huge profits in a complex web of bio-piracy involving transnational corporations and academic research institutions.

This was confirmed by officials of the World Customs Organization at the 1998 World Travel Mart in London, where they stressed that customs authorities and the travel and tourism industry should be warned and educated about the unprecedented illegal movement of items, including valuable flora and fauna, across the globe. This has resulted in vast damages and economic losses for southern countries.

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Illicit Dumping of Toxic Wastes Breach of Human Rights

Tinashe Madava

Illicit dumping of hazardous, toxic and dangerous products and wastes in developing countries adversely affects the human rights of peoples to health and life. The 57th session of the United Nations Commission on Human Rights has condemned the practice universally.

The session renewed the mandate of its special rapporteur to investigate the adverse effects of dumping toxic wastes and expanded its investigations to include the transfer of toxic industries to developing countries.

Hazardous wastes are potential pollutants of the human and biophysical environment. This includes industrial, domestic, hospital and commercial wastes. Waste pollution can cause death as well as rashes, lung and other cancers, genetic disorders as well as a host of other illnesses.

Environmentalists applauded the resolution, approved 38:15 at the commission’s Geneva annual meeting recently.

Opposition came mainly from northern developed countries represented by the European Union, US and Japan, countries which, ironically, are at the forefront of championing human rights. Dumping toxic wastes in developing countries where poverty is high is a major drawback in the struggle to catch-up with the developed world.

Mary Robinson, UN High Commissioner for Human Rights, and Klaus Toepfer, Executive Director of the UN Environment Programme (UNEP), have been invited to organize an international seminar to explore how environmental and
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Mary Robinson, UN High Commissioner for Human Rights, and Klaus Toepfner, Executive Director of the UN Environment Programme (UNEP), have been invited to organize an international seminar to explore how environmental and
human rights principles can be strengthened. In welcoming the historic move, Toepfer said:

*Many of the fundamental rights enshrined in the Universal Declaration of Human Rights have significant environmental dimensions.*

Environmental conditions clearly help to determine the extent to which people enjoy their basic rights to life, health, adequate food and housing, and traditional livelihood and culture. It is time to recognize that those who pollute or destroy the natural environment are not just committing a crime against nature, but are violating human rights as well.

Toepfer said human rights cannot be secured in a degraded or polluted environment. He added that the fundamental right to life is threatened by soil degradation and deforestation and by exposures to toxic chemicals, hazardous wastes, and contaminated drinking water.

For this reason, we believe that the successful implementation of environmental treaties on biodiversity, climate change, desertification and chemicals can make a major contribution to protecting human rights. We would welcome the commission's continued work on the environmental dimensions of human rights, including enforcement and compliance.

The results of the seminar will be considered at the commission's next session in March 2002 and will feed into the review of progress towards sustainable development that has been achieved since the 1992 Rio Earth Summit.

This 10-year review will form the basis for the World Summit on Sustainable Development, to be convened in Johannesburg in September 2002.

Commenting on the resolution, the US-based Basel Action Network (BAN) – an environmental watchdog network that monitors the international dumping of toxic wastes, products and technologies – underscored the need for the international community to continue examining the impact from both the standpoint of the environment and human rights.

*Under the forces of unbridled 'free trade', toxic wastes, products and technologies, including the migration of the world's most dangerous and polluting industries, are now following a path of least resistance. The horrific result is a situation where the poorest of the poor are the recipients of the risks and poisons of the rich (Jim Puckett of BAN).*

The new Human Rights mandate will be for three years and will be conducted in co-operation with the Basel Convention 'with a view to making concrete recommendations and proposals on adequate measures to control, reduce and eradicate these phenomena'.

The final report will include comprehensive information on:

- persons killed, maimed or otherwise injured in developing countries from the illicit movement and dumping of toxic and dangerous products and wastes; the question of the impunity of the perpetrators of these heinous crimes; the question of rehabilitation of and assistance to victims; the scope of national legislation; and the question of fraudulent waste-recycling programmes.

BAN considers the reference to waste-recycling to be a crucial one as it is well known that virtually all actual or intended hazardous waste exports from rich to poor countries is now justified under the name of 'recycling'.

According to BAN, so-called 'recycling' is a sham which involves some of the world's most dangerous and polluting industries such as ship-breaking and mercury and lead waste. Much of what is
shipped as recyclable waste, such as plastics and computer scrap, is un-recyclable and is simply dumped in the environment and communities of developing countries to continue its pollution.

It is a global tragedy that rather than providing developing countries with the means to avoid the mistakes they have themselves made in the past, northern industrialized powers are all too willing to clean their own backyards by simply moving the world’s most dirty industries, toxic wastes and unsafe products to the developing world (Jim Puckett of BAN).

According to the adopted Human Rights resolution, the illicit movement and dumping of toxic and dangerous products and wastes constitute a serious threat to human rights of individuals, particularly in developing countries that do not have the technologies to process them.

The resolution repeated calls on all states to adopt and implement existing conventions relating to the dumping of toxic and dangerous products and wastes and to cooperate in the prevention of illicit dumping. One of these conventions is the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.

Transnational corporations and other enterprises from industrialized countries were criticized for dumping and transferring polluting companies to developing countries that do not have the national capacity to deal with such pollution in an environmentally sound manner.

The session urged all governments to take appropriate legislative and other measures, in line with their international obligations.

This will prevent the illegal trafficking in toxic and hazardous products and wastes, through fraudulent recycling pro-

grammes, and the transfer of polluting industries, industrial activities and technologies which generate hazardous wastes.

It also urged the international community and, in particular, UNEP and the secretariat for the Basel Convention, to continue to give appropriate support to the developing countries, "upon their request, in their efforts to put in place the provisions of existing international and regional instruments controlling the transboundary movement and dumping of toxic and dangerous products and wastes.

The Bamako Convention on the Control of Transboundary Movement of Hazardous Wastes, which was adopted in 1991, also bans the import of waste, including radioactive waste, into Africa, seas, and international waters.

Governments in developing countries have been urged to put in place strong legislation that deals with ambiguities in international instruments affecting illegal movement of toxic waste.

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The Western Sahara under Polisario Control
Michael Bhatia

From 17-27 April 2001, the author visited the Sahrawi refugee camps and the northern sector of the Western Sahara territory under Polisario control (the region surrounding the town of Bir Lahlou and Tifartit near Tindouf, Algeria). The author previously visited the Sahrawi refugee camps in 1997, and is planning a visit to the area under Moroccan control in the autumn of 2001.

Location
The Sahrawi refugee camps are located in the southwest of Saharan Algeria, near the Algerian town of Tindouf, which also serves as the southern headquarters for the Algerian Armed Forces, with a notable army and air force presence. The camps of Smara, Awserd and Laayoune are clustered around the administrative center of Rabouni, with the Dakhla camp located approximately 60 miles from this center. The Sahrawi Arab Democratic Republic/Frente Polisario – the political and military organization that represents the refugees – was granted administrative and governing autonomy over this area by the Algerian government. The population of each camp was estimated in 1997 to be between 45,000-65,000, for a total camp population of 167,000. However, over the past several years, the population has crossed the 200,000 mark, with the author observing a graphic expansion in the size of the camps.

The territory of the Western Sahara is politically and geographically divided by a 2500 km sand-wall (also known as the berm or as the rabotu by the Polisario), constructed by the Moroccan government in the mid-1980s. The wall crosses into northwest Mauritania physically separating the eastern portions of the territory under Polisario control. The Sahrawi population in this area are either combatants cantoned with their units as part of the UN sponsored cease-fire or Sahrawi bedwyns, who use the area as grazing land for camels and goats. The western portion of the territory is under the de-facto authority of the Moroccan government, with a population of 200,000 soldiers of the Forces Armees Royales (FAR), approximately 200,000 Moroccan settlers from the post-1975 period, and above 65,000 indigenous Sahrawi (1997 figures).

Background
In 1975, the stage was set for the decolonization of the Spanish Sahara: the Spanish authorities had undertaken a census of the population in 1974 in preparation for a future referendum, and the United Nations had sent a high-level delegation to assess the political intentions of the population and the surrounding governments. Legally, the right of the Sahrawi population to self-determination is upheld by the international legal norm of uti possidetis (the use of colonial boundaries as the basis for the right of self-determination of peoples within territories), the ruling of the International Court of Justice in the 1975 Western Sahara case, and the application of this law throughout Africa and Asia, and most specifically, in East Timor and Namibia. Shortly thereafter, in November 1975, King Hassan of Morocco led a ‘Green March’ of 275,000 Moroccan citizens into the territory, followed by the FAR. In return for resource rights, the Spanish government formalized the division of the territory between Mauritania (bottom third) and Morocco (top two-thirds). With a significant majority of the Sahrawi population fleeing the western urban centers, a formerly small-scale insurgency developed into a full-scale political, military and diplomatic movement. Until the construction of the wall in the 1980s, the Polisario forces met with considerable success, with Mauritania eventually withdrawing from the conflict.
in 1982 following the collapse of the Ould Daddah regime. The majority of the Polisario armaments were initially drawn from captured Moroccan weapons, with a land rover with a mounted heavy machine gun as the primary tactical tool. However, Algeria and Libya eventually supplied a variety of vintage Soviet era weaponry (BMP1-2, BRDM, ZSU-23/24, SAM-6/7). Morocco received financial and military assistance from the United States (F-5, M1A1, artillery, and a recent UAV supply (the Skyeye)), France, Great Britain, Israel, South Africa, and Saudi Arabia.

In 1991, the Organization for African Unity sponsored a peace plan, which eventually led to the deployment of the UN Mission for a Referendum in the Western Sahara (MINURSO), the imposition of a cease-fire (which politically formalized the berm as the dividing line between the parties), and the beginning of the identification of eligible voters based upon those listed on the 1974 census. Approximately ten years later, after a fit of starts and stops, and an attempt by the Government of Morocco to add approximately 250,000 names to the voter list, the first round of identification was completed and released in February 2000, with 80,000 voters identified. The peace process, or lack thereof, is currently characterized by three trends:

- the finalization of the voters list for the referendum, through the completion of the appeals process, for which Morocco has submitted 130,000 additional names for review;

- the investigation of an alternative method of resolving the conflict, through the Secretary-General’s request (with the support of his Special Representative, James Baker) that Morocco present a plan for ‘substantial autonomy’ for the Western Sahara and the returned Sahrawi population;

- the possibility of a return to war, with the Frente Polisario citing as provocations the autonomy proposal (and the accompanying dismissal of a referendum), Morocco’s moves to fundamentally alter the territory demographically and politically, and the recent crossing of the Paris-Dakar rally through the territory without their approval.

In the approximately two months since this visit to the camps, Baker has further pursued and presented a limited autonomy option, that would give Morocco control over internal security, while the Sahrawi’s identified by the UN would vote for an autonomous government, and be guaranteed certain economic and cultural rights. In four years, the population would vote on whether to integrate with Morocco.

The issue of the Western Sahara should not be discussed without an examination of Moroccan internal politics, whether in terms of determining the reason for Morocco’s attempted integration of the territory or in terms of the domestic affects of a return to war. Rather than adopting the popular understanding of the conflict as a ‘resource’ war (due to the phosphate, fishery, and projected oil stocks in the territory), Morocco’s 1975 invasion of the Western Sahara should be understood as an attempt by King Hassan to solidify his regime after a series of military coups in the early 1970’s and rising democratic unrest. With the death of Hassan and Sidi Mohammed’s assumption to the throne, there was international expectation of an eased conflict resolution process, and internal Moroccan expectations of greater economic prosperity and democratic reform. However, the kingdom remains economically dysfunctional – due to chronic unemployment and a reliance on a drought-vulnerable agricultural sector – and politically constrained, with a series of governmental retreats in the human rights arena and the government facing increas-
ing demands from Islamic fundamentalists, Berber separatists, and women's and students' groups. The resumption of protracted warfare in the Sahara could further produce a fracture within Moroccan society, and the potential forced upheaval of the Alawite monarchy should not be discounted.

The purpose of the author's visit to the Sahrawi refugee camps and eastern portion of the territory were three-fold:

- To determine the potential for a return to war, with the author partially (but incorrectly) anticipating a rapid rise in tensions during this visit due to the planned release of an autonomy proposal in the Secretary-General's Report of 15 April. And to assess the Polisario's readiness, capabilities for rapid mobilization, and current military resources and capabilities;

- To ascertain the Sahrawi refugee populations views on a return to war;

- To determine the Polisario's realization of the possibility for a 'Timor' scenario, which would involve the implementation of a referendum, with the repatriation of Sahrawi refugees to Moroccan controlled territory, and the UN's evolution from its current monitoring role to its assumption of the transitional executive powers originally included in the mandate;

- To observe various changes in the camps, with a focus on the evolving commerce and trade patterns, the Polisario administrative structure, and demographic developments.

**Assessment of Potential for a Return to War**

The Polisario's threat of a return to war, and the prospect that they would commence hostilities as a result of the Paris-Dakar rally in late January were real, according to both the statements of Polisario soldiers (and the Region 2 Commander) and the supporting account of an US Air Force Captain stationed with MINURSO in the region. During this time, the level of military activity in the area was rumored to have noticeably increased by MINURSO representatives, with a unit commander indicating that military units had been deployed to the berm and of the mass mobilization of men from the front and abroad (Mauritania, Algeria, and Spain). A further testament of the proximity of war was apparent with the removal of equipment from the hospital in Tifariti in anticipation of Moroccan bombardment.

Among the population, the views on a return to war were less driven by passion, then by a subtle rational calculation and desire. Other observers on the trip predicted a return to war within the next two to six months, with the Polisario both calculating the timing based on the SG's pursuit of an autonomy option and the further acclimatization of the Bush White House and its foreign policy apparatus.

To indicate that the Sahrawi population and the Polisario forces have lost faith in the United Nations system would be an understatement. Statements to this effect include:

> we have made a lot of effort to follow the orders of the UN, but they do nothing, and we do not trust them at all. We gave the UN the possibility to solve the problem, and Morocco took advantage. We have given to the UN all the power, all the possibility to do what they can do, and they do nothing (1st Battalion Commander, 2nd Military Region, Tifariti)
We are expecting the SG of the UN to say the last declaration. He is waiting for a new Moroccan suggestion in relation to the process. If we see there are some positive suggestions, we can continue; if negative for us, we have to return to war (Ibid.).

We have lost only our patience, not the war. The UN thought it was an easier problem, and didn’t deal seriously (Taleb Brahimi, agricultural engineer trained in Syria, Tifariti).

In this time, we are standing by but we have begun to lose our patience. I have no words to convince these soldiers for this kind of waiting, the soldiers insist daily to do something. They will solve the problem peacefully or we will go to the front, and one day they [the soldiers] can get out of [our] control, and attack behind the berm into Morocco (Brahim Bedileh, Commander of 2nd Military Region).

To paraphrase one Military Observer on mission with MINURSO:

The situation needs to be resolved more sooner than later. More effort needs to be put into political solutions. The situation will devolve into conflict if there is no resolution soon. It has been too long [to wait for the Polisario] without something happening. Baker needs a solution acceptable to both sides.

The Polisario’s Military Capabilities

The precise size of the Polisario forces (in terms of both soldiers and equipment) is largely unknown by outsiders. The cantonment of Polisario forces under the MINURSO cease-fire provides a picture of the organization and size of their forces, applicable solely to the post-conflict situation and likely non-representative of their overall capabilities. The Polisario controlled eastern section of the Western Sahara Territory is divided into six military regions. Each military region is composed of five to six battalions, each of which is comprised of approximately four to five military units. Generally, each military region also has a support battalion containing a number of smaller specialized units providing a range of services, including signals and communication, combat and tactical analysis, medical, water location and drilling, and vehicle and weaponry repair.

The Military Balance generally estimates the Polisario as having between 3,000-6,000 soldiers – a figure that I would argue grossly underestimates their total manpower. As further indicated by an American officer with MINURSO, the Polisario’s precise military capabilities are not fully reflected by the units available for inspection at the berm. In general, the movement could likely mobilize a substantial portion of its above-16 male population within 24 hours in order to resume combat. The approximate size of the Polisario is thus an order of magnitude greater than IISS’s estimate – which in itself is more indicative of the current total at the front under UN cantonment. During the cease-fire, at any given time, a third of the Polisario soldiers are on permission, which allows them to leave their posts at the front in order to return to their families in the camps.

During this field mission, the author visited the military units of the 1st Battalion of the Tifariti Region. The first unit was composed of approximately 10 BMP-1s, with a number of land rovers with mounted heavy machine guns. A third of this unit was on post at the berm, a third was stationed in the cantonment area, and a third was undergoing additional training in the proximity of Tindouf. The second unit was composed of 3 BM-21 Katyushka rocket systems and approximately four howitzer 122mm artillery pieces in the vicinity of the main camp. Although the Polisario’s Surface to
Air Missiles were reportedly stationed in Algeria, the third and fourth unit were composed of ZSU-23, ZDU, BRDM’s (w/SAM-7s), and truck mounted anti-aircraft weapons, for use against either aircraft/helicopters or against ground units. The ZSU’s are generally used to provide cover for the SAM forces and against low-altitude targets.

A predominant focus on the Polisario’s size and military resources neglects the movement’s primary military strengths. According to various soldiers at the front, the Polisario forces have been able to counter a vastly superior Moroccan force—both numerically and technologically—and sustain combat for 15 years due to:

- their knowledge of the territory (and Morocco’s contrasting reliance on maps and GPS systems);
- their use of rapid hit and run style tactics;
- their ability to choose the location and timing of attack, due to Morocco’s static presence on the berm;
- their use of the territory’s physical and climactic (sandstorms) characteristics to impede Morocco’s technological advantage;
- their commitment to their cause;
- and their ability to retain soldiers with previous combat experience.

In terms of the latter, one random sample of soldiers indicated a mix of veterans (7-8 years of experience) and relatively recent inductees (1-3 years).

Morocco’s acquisition of Unmanned Aerial Vehicles (UAVs) and additional weapons since the initiation of the ceasefire (M1A1 and optically guided weapons, HOT, etc), as reported in the Military Balance, was also raised with various elements of the Polisario’s forces. In general, the soldiers were dismissive of the potential impact of any one technology on the conflict.

**The Berm**

The author’s knowledge of the berm is largely confined to observation from a .5 km post in the Polisario territory, and from discussion with Polisario soldiers formerly involved in raids on Moroccan forces. Physically, the berm is a two meter high wall (with a backing trench), which rides along a topographical high point/ridge/hill throughout the territory. Spaced out over every five kilometers are a big, small and medium base, with approximately 35-40 troops at each observation post and groups of 10 soldiers spaced out over the distance as well. About four km behind each major post there is a rapid reaction post, which includes backing mobile forces (tanks, etc). A series of overlapping fixed and mobile radars are also positioned throughout the berm. The radars are estimated to have a range of between 60 and 80 km into the Polisario controlled territory, and are generally utilized to locate artillery fire onto detected Polisario forces. Information from the radar is processed by a forward-based commander, who contacts a rear-based artillery unit. The Skyeye recently acquired by Moroccan forces, and the anticipated Israeli Hunter craft, will play a similar role in the detection of targets for artillery fire.

These same sources provided a degree of insight into the tactics utilized by the Polisario to counter the berm, which are generally reflected by the principles of surprise and speed.

**Status of MINURSO Units**

Each MINURSO site headquarters contains between 4-8 observers, representing Russia, China, France, USA, Malaysia, and Kenya. American officers are present in Tifariti, Bir Lahlou and Tindouf, with
the contingent commander (Lt. Col.) stationed in Laayoune. Notably, with the arrival of a French Sector North Commander, French officers have assumed or are to assume control of the team sites in Mehaires, Tifariti, and Bir Lahlou over the next week. One Polisario commander called this development a 'curiosity,' while also intimating on the close Moroccan-French relationship and the possibility for intelligence-sharing.

In anticipation of the resumption of hostilities, all MINURSO units were prevented from leaving their sites, and thus restricted from fulfilling their daily patrol tasks, unit visits, and cease-fire monitoring activities. Since that period, the restrictions on the movement of UN personnel has varied by region, with those in the Tifariti site able to resume all activities aside from unit visits, and those in Bir Lahlou prevented from visiting either unit or battalion sites and headquarters. Prior to this point, regional Polisario representatives hinted that MINURSO had not played a neutral role in monitoring the cease-fire, by installing more camps in the Polisario sector than in the Moroccan one (despite a significantly smaller force size), by failing to patrol Moroccan forces stationed behind the berm, and by attempting to excessively control the Polisario forces.

Assessment of Developments Within the Camps

A number of developments within the camps since 1997 serve as a reflection of the Polisario movement and the population, and have indirect implications for the possibility of a return to war.

Commerce

Most importantly, I witnessed the further development and expansion of trading routes through the Polisario camps, from Senegal, Mali, Mauritania, Algeria and Spain. In 1997, these trade routes were reflected by the emergence of small neighborhood shops. Currently, not only have the number of these shops expanded, but within Smara, there are two distinct commercial areas. The shops not only include clothing, personal hygiene, and other basic items, but also fresh meat and produce for an individual family to supplement the base diet provided by humanitarian assistance. Television ownership is typical both at the front and within an extended family in the camps, with power supplied by solar-powered car batteries. Practically, this has led to the further development of the Sahrawi political consciousness, with comparisons of their situations to those of the Palestinians, Kosovars and Timorese.

The source of the starting capital for these goods include pensions for former Spanish civil servants (approximately $1,500 every three months), and remittances from Sahrawis working abroad (Algeria, Mauritania, the Canary Islands, Spain). As work in the military or political administration is typically unpaid, a family will seek to diversify its income, with family members separately engaged in commerce, military service, and education abroad. The private ownership of cars/trucks has graphically expanded (typically imported from Spain), as have the camel and goat stock of the population. A number of associated support services have also emerged including auto-mechanics and auto-part stores.

To a certain extent, the current indeterminate and fragile peace has permitted the 'normalization' of life within the camps. Individual access to commerce and income-generating activities has provided methods of both countering aid dependency and supplementing the limited dietary regimen of humanitarian assistance. To a certain extent, these trends reflect a modern interpretation of the Sahrawi's traditional role in North and West Africa, in terms of both their cultivation of camel/goat stocks and their role as the
trade intermediaries for the region. In the case of return, such trade relationships would be transported into the Western Sahara territory. In contrast, Morocco's economy, and with it that of the area of the Western Sahara under their control, is oriented towards Europe and is less linked to that of the surrounding region. During a trip to the Moroccan controlled zone, it would be interesting to explore whether the Sahrawi population are able to provide a similar role in linking trade and the movement of goods.

The continued emergence of commercial ties may have a number of contending implications for the ability of the Polisario to return to war. First, for those benefiting economically from the current commercial activity, there could be a reduced desire or direct reluctance for a return to war, given the inferred economic disruption.

Through several interviews with shop-owners and others involved in commerce, there was apparently little evidence to support this observation. Second, if these ties were maintained during the conflict, the income of the Polisario could be expanded. Further, the potency of a use of a reduction in humanitarian assistance as a tool of coercion by the international community could be reduced. The latter could relate to the forced acceptance of autonomy within Morocco, the cessation of hostilities, or to aspects of the repatriation program. At that same time, a recent appeal issued in early June by the WFP and UNHCR reported an 'extremely precarious' food situation in the camps due to reduced assistance.

**Administration**

The Sahrawi have developed a notable administrative structure, which include the election of neighborhood (daria/barrio), camp (wilaya), and national level officials. Schools (K-6) and hospitals are located within each district or camp, with a national level high school, women's school, and hospital. During this visit, the author witnessed the continued functioning and further extension of the Polisario's administrative authority, which included the establishment of a border post at the Algerian 'frontier' near the Western Sahara territory (where incoming goods are subject to a 'symbolic' duty).

In anticipation of the demands of the formal government of the Western Sahara territory, the Polisario have developed a 'white paper' indicating the structure, functions, and principles of the government, and have also developed an apprenticeship program for individuals expected to fill key roles in the public and private sector (banking, customs, port management, etc.). This development has direct implications for the mandate of a UN mission in post-referendum Western Sahara. Whereas in Kosovo and East Timor, the UN was involved in the Transitional Administration of territories due to the political and administrative vacuum caused by Indonesian and Serbian withdrawal and the level of destruction, in the Western Sahara, the SADR/Polisario will be prepared to transfer their administrative structure from the camps to the territory. This is, of course, dependent upon both the implementation of the referendum - delayed for ten years and increasingly less likely - and a vote for independence, which is anticipated if the current voters list is used and a 'free and fair' environment for the vote is created and maintained.

**Assessment of the Repatriation Operations & Potential for a 'Timor' Scenario**

Whether to vote in the referendum, or return to an independent state or autonomous region of Morocco, the repatriation of the Sahrawi refugees will be a key aspect of a final solution to the conflict. Under the Settlement Plan, it was assumed, by both the United Nations Secretariat, UNHCR, and the Moroccan authorities, that the majority of the
Sahrawi refugees would return to the western portion of the territory under Moroccan control, as this was their place of origin. Such a decision would raise the possibility of a 'Timorese' scenario, whereby a symbolic, political and unarmed UN presence would implement a referendum, in an environment under the control of the security forces of one of the parties (Morocco). The possibility of the incomplete demobilization, disarmament and cantonment of both forces, accompanied by a likely vote for independence (as is predicted due to both the current size of the voters’ list – 80,000 and not several times greater - and confidential disclosures from former UN staff) indicates the potential for both pre- and post-election violence. When confronted with the potential for post-election violence, certain Polisario contingents indicated that they would break from their cantonment and engage the Moroccan forces (unlike Falintil’s activities in East Timor), as the Polisario could not expect third-party intervention as occurred in East Timor with Australia.

In general, both the refugees and the Polisario soldiers indicate an awareness of this potential instability. The 1997 returnee registration program commissioned by UNHCR indicated that approximately 90% of the camp population intended to return west of the berm, to the Polisario-controlled territory and not to the Moroccan zone. Further, the Polisario have constructed a sizeable infrastructure base in Tifariti and Bir Lahlou in anticipation of the use of these sites for repatriating refugees, including wells, two hospitals, and a school.

**Interview with Brahim Bedileh, Commander, 2nd Military Region (Tifariti), POLISARIO Front**

*Michael Bhatia*

The following transcript was conducted through an interpreter on 25 April 2001, and therefore is an approximation and not fully representative of Commander Bedileh’s statements:

BB: We are currently in a stand-by position, still waiting. Nobody wants to lose time in waiting to resolve our problem of liberation. 26 years of fighting for our existing rights of self-determination, our case is one of legal consensus that we see all over the world.

All of these years, we have always avoided the temptation to fall (or to be closer) to closed systems, whether in terms of communism or Islam. Our main ideology is to make our country free, and to achieve our self-determination. Our strength and power comes from our people. This is not a cause for a simple group of persons. We are working now as a unified party to get our objectives. The final decision is always in the hands of the masses, no one can decide for the masses.

All of these years, we have avoided all kinds of activities that do not comply with international law. Our soldiers are free, it would be easy to go inside the Moroccan territory, to infiltrate, and to bomb hotels or civilians, or to mine roads or the airport. We know that their main source of income is tourism. But we wait for a legal solution because we are a pacific and responsible government. We always respect the rules dictated by the UN and international organizations. We never opted for the ways of terrorism or something like that, in spite of quite a lot of provocations by the enemy. We have been bombed by napalm, including the
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city centers of the Sahrawis. And yet, we always have been fighting in legal terms. But we have patience, and until the time we have to return to war, we will be patient.

Above all, we know that international opinion is not very serious, and that we have a better history. But a hard history, full of betrayals and deception. There are three deceptions. The first deception was in 1975. The 1st Commission of the UN visited everyone and they decided to organize a referendum in six months. But at that time, what occurred? The Tripartite Deal (the Madrid Accords), which divided the territory. Then, they invaded and bombed the territory in 1975 and 1976. The UN had decided at that time to make a referendum, but in spite of that, the enemies had divided our country and invaded. Before this, in October and September of that year, Juan Carlos of Spain had visited the Sahara and made a speech full of promises: that Spain will defend the Sahrawi people. But after the speech, Spain abandoned our country. Then, we had to begin our struggle to make the international community remember that there exists a people, who is fighting for their right to self-determination.

Second, for the past ten years, we have been waiting again for the UN to do what it is supposed to do and what they have promised to our people.

For ten years, we have lived with the legacy of the bombs and the mines furnished to Morocco by the U.S. These are Lancaster bombs each with 780 bomblets. Before the Palestinians were bombed in Lebanon, we were bombed here. Despite the danger, the Sahrawis continued their determination. This did not kill their determination, the tanks, the mortars, the satellites with photo capabilities, the weapons supplied by the US, France, Italy, Belgium, the UK, Israel, Germany, Austria, Libya, Iran, South Africa, Brazil, Egypt, Romania, Slovakia. All of these countries were in coalition with Morocco. We were Iraq, but they could not defeat our soldiers.

We were happy when Baker was selected as the intermediary in this conflict, in spite of previous US support for Morocco. We forgot the past. Our people have a lot of tolerance. We forgot the problems of the past. We began to be very optimistic especially when we thought about what Baker had done in Kuwait, our people made comparisons. But Baker has taken four years. He has to insist on the deal made under the Houston Agreements.

But there is the third solution. Who is behind this? Baker, Annan, Morocco, or France? Who is responsible? We are not worried about who is behind this. In 1974, the Spaniards offered for the Sahrawi people to become a province of Spain, but with wide autonomy and different from all other regions, like Catalonia. The problem is not autonomy. The key question is that the Sahrawi people must determine their destiny by vote, by self-determination.

Now, to go back 27 years is unacceptable. To accept from Morocco, what Spain originally offered, is unacceptable. There are no similarities between Spain and Morocco; not in democracy, not in economy, not in respect for human rights, not in civilization, not in opportunities to be offered to the Sahrawi people. That is wrong. It is a big error and a big mistake. There is a phrase in Spanish: we pull down our pants to the third option. Our struggle is not to be a government, or to have three to five factories, or to have money, a monthly tax; these are secondary issues. The first thing is to make our people free, to have our people fulfill their right to self-determination.

In this time, we are standing-by but we have begun to lose our patience. I have no words to convince these soldiers for this
kind of waiting, the soldiers insist daily to do something. They will solve the problem peacefully or we will go to the front, and one day they can get out of control, and attack behind the berm into Morocco.

As a military region, we have two main tasks. The first is military: to train, prepare, repair, acquire new knowledge, study the enemy’s tactics, develop methods of countering their technology (radar), pay attention for airplanes, and disarm and remove mines. Second, we have a lot of Bedwyns in the area. We serve them. We have to take care of them, to pick up mines, and unexploded ordnance. And we have to support them in their search for water, and to help them in terms of health. The task of detonating bombs that have been left by the enemy occurs with the cooperation of the UN. They help us to mark the positions of the mines and we have to explode them.

In this region, we have a MINURSO center. There is a curiosity. Previously, this sector was always under the command of a member of the US Army. For two years now it has been controlled by the French, who are the friends of the Moroccans.

Personally, MINURSO has old ideas. For example, they divide this sector into three areas. The Chief of the South Sector is a Chinese. The North Sector is controlled by the French. The Russians command Tindouf. These are the big sectors, and each sector has subsectors (Agwanit, Mehaired, Mijek). Typically, the team-site commander is the officer who has spent the longest period of time in the site. For example, if there are 12 officers, 2 US, 2 French, Egyptian, Malaysian, Chinese, Italy, Kenya and Ghana. The one that spent the longest in the site becomes the commander. Whoever spends the longest time is in command. But there have been movements to make the French officer the ones with the longest site experience. Now this center is commanded by a Russian but in one month it will be French. There is a case of an officer from Argentina, who had been here for one year, but when it was time for him to assume command, he was moved to Laayoune.

We have always had good relations with MINURSO, and we respect their work here. They were very free before last December. We discovered that when we gave them a lot of freedom, they tried to control us. On the Moroccan side, they cannot move without permission. The Moroccan bases on the northern borders are not controlled by the MINURSO forces. The Moroccan forces have brought arms there. Occasionally, MINURSO conducts a patrol along the berm, but they cannot go behind the berm. They control only those Moroccan forces that are positioned on the berm, but they do not go 20 kms behind the berm where there are no patrols.

Q: What is the potential for the resumption of war?

BB: Always we have made a difference between the cease-fire and peace. There is a big difference. The cease-fire is not a definitive thing, whereas, peace is a definitive thing. As we are military, we are always prepared for the possibility of war.

We have not increased our soldiers, nor have we bought new material. The main weapon we have is our determination and willingness.

First, all the Sahrawis are fighting for their legitimate and unified cause. We are volunteers, all Sahrawis are volunteers. We are not here for a professional purpose, but for the fight for liberation. Second, we are fighting in a territory that we know very well. Third, we are fighting in our own climate. Fourth, we have the initiative and the choice as to when,
Moroccan troops are controlled, not volunteers, forced to do things, and fight in a foreign country. They cannot move without maps or without the GPS apparatus. They are in a different climate that is very hard on them. And they are always standing-by for attack. Always nervous. They do not know how, when, or where we can attack them. And then, the soldiers are very conscious that they are fighting for a thing that is not for them. The level of force and support that they had in the time of Hassan II is not available to them anymore. They cannot get it. From my experience, he was a real king, with old international support, with experienced officers and with a staff that worked with him. Even with the experience they had, and with the sophisticated materials, they could not defeat our forces. Mohammed VI cannot achieve one percent of what his father has done. Therefore, the best thing for all Moroccans and Sahrawis is a democratic referendum, which is transparent and legal.

Over the last decades, during the 1970s and 1980s, the American Congress voted to support Morocco with developed and significant military material. Today, it is not the same. The Congress are supporting or are asking to apply the referendum and peace process demanded by the UN.

France still has its old colonial culture, and they ignore the rights of the Sahrawi in this region, in spite of the fact that they had had previous experience with the Sahrawi people. They struggled with the Sahrawi people. We have a variety of martyrs and warriors, who fought against France in 1912. Today, there are no foreign people here, except the tombs of our old martyrs against foreign invaders. Our struggle for freedom is not recent, but for a century or more.

Q: The Timor Scenario?

BB: The worst thing the Moroccans could do was when they invaded the Sahara, but this never made it legal for them to be on the Sahrawi's territory. And the problem is one of legality. I think the UN has learned from its experience in East Timor. Under the Houston Agreements, the UN assumed the responsibility of protecting the results of the vote. They may abandon this responsibility. What’s happened with what Sharon is doing now in the Palestinian Occupied Territories? The experience they get from East Timor. Indonesia destroyed everything, but at least the Timorese people received their independence.

Our territory is different. There is no great power interest in this territory. The Spanish people are not in complete solidarity with our people like the Portuguese were in East Timor. And we cannot compare Algeria to Australia. The only thing behind the Sahrawi people is their rights. Algeria supports us to certain limits, but they cannot intervene in our particular issues and they can never be in our position.

Michael Bhatia, Scoville Fellow, Center for Strategic and Budgetary Assessments, Washington, DC.
The Lesotho Highlands Corruption Trial: Who has been Airbrushed from the Dock?

Sarah Bracking

The Lesotho government has taken four British business groups to court, charging them with paying bribes to the chief executive, Masupha Sole, of the Lesotho Highlands Water Authority. The companies, Balfour Beatty, Sir Alexander Gibb and Co, Stirling International Civil Engineering and Kier International are charged alongside the Swiss-Swedish group, ABB, Impregilo of Italy, Acres International of Canada and Sogreah, Dumez and Cegelec of France. Balfour Beatty was a partner in the Lesotho Highlands Project consortium and is accused of paying more than £1 million to Sole over three years. Kier International and Stirling International, within the Highlands Water Venture consortium, are alleged to have paid him £250,000, while Sir Alexander Gibb and Co is accused of transferring £51,478.01.

For British business, this comes as a blow to what is already a battered image, tainted by persistent scandals and corruption. For the British government it is likely to prove scarcely less embarrassing, given its long record of complicity in the adventures of its captains of industry abroad. Remember how the Matrix-Churchill trial ended up in the Scott Report? Remember how the 'Berwin Letter' from solicitors acting on behalf of Sandline International and Adson Holdings sparked the Legg Report? It will be interesting and instructive to watch what allegations and information emanate from the British companies in the dock this time. But it will be even more interesting to see if public officials might turn out to be stuck to their coat-tails or if the public sector will be airbrushed out of the picture. Lesotho's courageous decision to hold accountable foreign interests may yet shed light on the extent to which there might have been British government and institutional endorsement of corrupt private sector companies. So who is not yet in the dock?

The case has been reported as another demonstration of the importance of the OECD's decision to outlaw the bribery of public officials by foreign companies. The OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions came into force on 15 February 1999. The Convention follows the precedent (and method of approach) of the US Foreign and Corrupt Practices Act of 1977. Conspicuously among metropolitan states, the UK government has so far failed to produce dedicated legislation in support of its signature of the convention, claiming instead that legislation dating from 1905 is sufficient.

In any case the OECD convention follows the precedent of American legislation to allow exemptions for certain types of 'facilitation' payments, which are said to 'expedite' normal public services. Presumably, Mr. Sole's £3 million over a period of 10 years, peanuts to these companies, might be defended potentially on the basis of this obscure legal loophole.

The ECGD

Let us consider, however, what surrounds this unusual case and what it holds in common with earlier precedents of international corrupt practices. What they would seem to have in common is what we could call the government-sponsored 'concessionary' business environment. Alongside the private interests now in the dock in Lesotho, there was much British public money and institutional involvement backing the Lesotho project.

For a start, there was the involvement of the Export Credit and Guarantee Depart-
ment (ECGD), which underwrites the export contracts and investments of UK companies working abroad. Its role in the controversial Ilisu Dam project in Turkey had already sparked parliamentary scrutiny by the International Development Select Committee who had been extremely critical of ECGD business practice. Concern focussed on the ECGD providing credit to companies who practiced corruption, and for projects which displayed such practices, as well as the lack of environmental impact assessment or consideration of the human rights of the displaced Kurdish people. The ECGD was asked to increase its scrutiny of companies applying for credit and give due regard to environmental and human rights concerns.

The ECGD was again interviewed for the Committee's most recent report, Corruption, published in March 2001. In their own submission to the Committee, Corner House, an ethical pressure group, declared themselves unimpressed with progress made since the earlier review, citing evidence of corruption in a number of ECGD backed projects, including the Lesotho Highlands Water Project, the Turkwell Hydroelectric Dam in Kenya and the Ewaso Ngiro Dam in Kenya. They concluded that anti-corruption measures remained inadequate and below what the UK 'public has a right to expect', and that improvements 'fall far short of credible responses to the institutional failures that are evident in the agency's management and operations' (HC, 39-I, 2001, para 191).

The ECGD defended its position by arguing that it required companies to sign a warranty to the effect that they did not engage with corruption. If they would not sign, or appeared on the World Bank's list of debarred companies, the ECGD claimed that they would be ineligible to receive funds. The ECGD also referred the committee to the Business Principles that had been adopted in December 2000, committing it to combat corrupt practice while promoting the OECD Convention.

However, the Committee responded by noting that the ECGD does not check whether contracts seeking support had been won by means of a competitive tendering process. They wanted procedural and institutional oversight strengthened (HC, 39-I, 2001, para 192). In any case, even if these procedures were strengthened, it is all too late for Lesotho. More pertinently, the hearings illustrated that general procedures did not, and do not, defend against cronyism. In southern Africa the risk of this is particularly high since the political economy that developed out of mining remains dominated by a relatively small network of interlocking or mutually supportive corporate interests. In Lesotho, only a few very large companies were considered as having the capacity to tender. Local firms rarely get a look in, and open tendering would have been a novel idea. But the ECGD is not the only party implicated. Who else was a member of this cabal?

Private British Finance Companies

In 1994, a Hill Samuel Bank representative told the House of Commons' Trade and Industry Select Committee on Trade with Southern Africa of new opportunities opening up for British finance capital after apartheid. The 'coming back into South Africa' of multilateral agencies such as the World Bank, International Finance Corporation and African Development Bank, would, he enthused, create a 'great deal of opportunity' and a 'very interesting source of business' for British merchant banks 'adept at dealing with the issues that the multilaterals deal with' (HC, 1994, 220-iv). In fact, Hill Samuel was not the only bank to explore such benefits. And the extent of British government support for the process was demonstrated in the use of public funds to provide 'financial functions' to private

Hill Samuel claimed to be 'very active' in southern Africa, including in the Lesotho Highlands Project, which the bank's representative valued at US$2.5 billion. Hill Samuel arranged 'the finance from the United Kingdom for supply' with additional involvement by the World Bank, the Commonwealth Development Corporation (CDC) 'and so forth'. Hill Samuel's representative spoke of a 'dovetailing' of facilities with these multilateral development agencies which brought profitable business to the Bank (HC, 1994:61). But apparently little financial oversight or management in Lesotho was considered necessary by any of these handsomely paid companies.

The CDC, DTI & ODA

So, we have British finance companies deeply involved with the Lesotho Highlands Project. But how did this 'dovetailing' with public development finance companies work in practice? According to the DTI, back in 1994 the UK provided consultancy support to the Lesotho Highlands Development Authority under technical co-ordination arrangements. This is the very organisation to which Mr Sole, the accused public servant in Lesotho, was appointed as chief executive in 1986 when the project began. His responsibility was to award contracts. At the same time, British consultants provided technical assistance, the ECGD provided export credit, the Commonwealth Development Corporation (then a hybrid public/private corporation owned by the Treasury and managed by the Overseas Development Administration (now DFID)), provided investment capital, and the European Investment Bank (EIB) was also involved.

More specifically, British public money was providing financial support for: an engineer on secondment from Sir William Halcrow; Balfour Beatty's involvement in the tunnelling joint venture; and Kier and Sterling International's involvement in the dam construction. And the banks as outlined above (HC, 220-iv, 1994:95). In addition, Aid and Trade Provision (ATP) financing (which was managed by the DTI until scrapped by the last Labour government), of £4.775 million was provided to support a Kvaerner Boving contract to provide generators and related equipment to the hydropower station at Muela. And another £3.58 million was offered to Balfour Beatty in support of a bid to supply transmission line and substations (HC, 220-II, 1994:64).

Perhaps the most invisible organisation in the picture so far is the Commonwealth Development Corporation (CDC) which, it could be argued, had responsibility for overall financial management. The CDC provided support with loans extended to the Lesotho Highlands Development Authority, Sole's organisation. During 1992 this amounted to £3.7 million to finance a microwave communication system and £17 million to co-finance tunnels and dams to transfer water (HC, 1994, 220-II, 63). No equity was taken, and at the time of the 1992 Accounts, the CDC reported a £20 million loan investment which supported the companies as outlined above (CDC, 1992:31). At the time, this loan represented 97% of all loan investment made by the CDC in Lesotho (CDC, 1992:43).

The CDC's mission was to provide finance to 'develop' the private sector in poor countries. But whose private sector? It seems not an indigenous one. Instead, this was a good source of subsidy for British businesses, particularly, it seems, construction companies and banks. The institutional context is interesting too, acting as it did like a huge recycler of public funds to big business. The CDC told the DTI Select Committee in 1994 that it explored with the ODA, ways of 'dovetailing ODA technical assistance with our investment funds' (HC, 220-II,
1994:34) which meant setting up development finance companies to manage CDC's money with the help of British financial advisers.

The master of ceremonies at this feast was probably the Lesotho National Development Corporation (HDC), a development finance organisation sponsored initially by the CDC with a £10 million loan investment in 1992 (CDC, 1992:43). The ODA also reported in 1994 that it had extended a £1.35 million line of credit to this organisation to 'help attract inward investment' (HC, 220-II, 1994:63). The Lesotho NDC (supported by CDC and ODA) then lent the British loan on to Sole's Lesotho Highlands Development Authority (CDC, 1992:43). In turn, the Lesotho Highlands Development Authority commissioned the work and paid the UK construction and engineering firms (and possibly UK consultancy firms and banks), that part of the bill which wasn't already being paid from ATP finance.

In the Lesotho Highlands project, multinational companies and private banks, technical co-operation assistance, export credit, soft finance from the International Finance Corporation (the part of the World Bank which 'develops' the private sector), EIB,1 CDC and consultancy support were all used in the framework of provision for the project. Now this is just the British version. Other European countries had similar arrangements. Yet no one, it appears, had the resources to provide oversight and establish the integrity of the organisations they had bankrolled. And all this in order to change the direction of a river and destroy a remarkable and unique highlands landscape to feed Lesotho's water to South Africa.

In 1994, the Trade and Industry Committee summarised of Lesotho that:

It is a small economy with limited debt servicing capacity and in practice most business is done on concessional terms, but it is considered a reasonable risk for the relatively modest amounts of cover required (HC 220-II, 1994:13).

It seems the whole business environment was 'concessional'. Does the supply of publicly subsidised credit to British companies, by means of Mr. Sole's organisation, look like a very much different arrangement than them paying bribes to him, as the private firms are accused of doing? Perhaps the money to him was a 'facilitation payment' from the companies taken from their facilitation payment from the British taxpayer?

When will someone take responsibility for intimate complicity, by both private and public UK-based organisations, in corrupt or corruptible overseas business environments? Or, in other words, when will British and other western governments and firms stop exporting corruption. The Corner House pointed out to the International Development Select Committee investigating corruption that there was a certain institutional racism which implied that the corrupt were invariably Africans and the west was honest. In the Lesotho case, it is alleged, major British companies were paying bribes. What is not alleged, but what is far more clear, is that they were using subsidies expropriated from taxpayers and supervised by government officials.

The British state would seem, therefore, to have had its nose well and truly in the trough of this project. If the companies are now in the dock, however, it seems much less likely that we will see their public office counterparts brought there too. It might well be time for the OECD and others to extend the framework of the 1999 Convention on international bribery to include the puppeteers as well as the puppets. Certainly, key questions need to be answered in the wake of the charges levelled by Lesotho: did representatives of the British government and its aid establishment know what was going on? If they did, what legal consequences are
to follow from that complicity? If not, why did they not know? In the wake of the revelations in Lesotho, it is time to review the transparency and accountability of aid finance sector as an integral part of that, seemingly abandoned, ethical foreign policy.

Endnote

In a South African Development Community (SADC) Memorandum, the Muela Hydropower Project was a SADC designed project, and received ECU 20 million from EIB resources (HC, 1994b:65).

References

Commonwealth Development Corporation (1992), Annual Accounts.


**Forthcoming Special Issue**

**Announcement and call for contributions**

**Africa, the African Diaspora & Development**

*edited by Tunde Zack-Williams & Giles Mohan*

For the 2nd issue of 2002, we are putting together a special issue on Africa, the African Diaspora and Development. In a 1995 issue of the journal, Professor Zack-Williams raised important questions about why do both African Studies and Development Studies take such a continental-centred approach to Africa. We feel that a discussion of Diaspora is of relevance to ROAPE for the following reasons:

- How do we define and delimit ‘Africa’ and its ‘nations’ when so many of the continent’s wealthier citizens reside outside of the continent either permanently or on a cyclical basis?

- How does a consideration of diaspora illuminate discussions of racism and imperialism? In particular, what relevance do earlier debates about Négritude and pan-Africanism, which began in diaspora, have for contemporary debates about race and exploitation?

- How does a consideration of diaspora illuminate discussions of globalisation? In particular, does a diasporic focus deepen the idea of ‘globalisation from below’ whereby groups of people make use of the interconnectivity of globalisation, but for different ends (e.g. remittances) to those which most theorists argue characterises the process of globalisation (e.g. large scale currency trade)?

- What role do political activities play in shaping contemporary events on the continent? In particular, can diasporic groups and individuals, who may have escaped persecution, use their ‘exile’ status to lobby more effectively within the centres of global decision-making for democracy and human rights?

- What role does migration play as part of a ‘coping strategy’? In particular, what effect do economic flows from diaspora to the continent (either formal or informal) have in promoting African development?

If you would like to contribute, then the copy deadline is Christmas 2001, but given the refereeing process we would need papers in sometime before that. Please send material to one of us: **Dr. Giles Mohan**, Department of Geography, University of Portsmouth, Buckingham Building, Portsmouth, PO1 3HE, UK; Tel: 00 44 (0)23 92842768; Fax: 00 44 (0)23 92842512; Email: giles.Mohan@port.ac.uk. **Professor Alfred B. Zack-Williams**, School of Social Studies, University of Central Lancashire, Preston, PR1 2HE, UK. Tel: 00 44 (0)1772 893986; Email: t.zack-williams@uclan.ac.uk or abzw@cableinet.co.uk
Conference Announcement and Call for Papers

HUMAN RIGHTS IN AFRICA IN THE NEW MILLENNIUM

An international conference to be held at the University of Central Lancashire

14th - 16th September 2001

Organised by the African Studies Unit, University of Central Lancashire in association with the African Studies Association of the United Kingdom (ASA-UK), Lynne Rienner Publishers and the Review of African Political Economy (ROAPE).

Academic Organisers: Professor Tunde Zack-Williams, University of Central Lancashire and ASA-UK; Dr Martin Hill, Institute of Commonwealth Studies, London; Amnesty International/Africa Programme and ASA-UK Council; Lynne Rienner Publishers plan to publish an edited collection on Human Rights in Africa, which will draw on the research presented at the conference. Successfully refereed papers may also be published in the Review of African Political Economy.

Conference Rationale: The main purpose of this first ASA-UK conference on Human Rights is to examine the ways in which human rights are involved in a wide range of contemporary issues in African Studies.

As the millennium unfolds and as the process of democracy takes hold on African political and social institutions, the question of human rights defence and protection has become an important item on the democratic agenda. In the wake of the genocide in Rwanda, and the atrocities in Liberia and Sierra Leone, donors have now instituted human rights observance as an important condition, alongside democratic governance as a precondition for economic support. With the ravages of Eastern and Atlantic slave trades and the social and political atrophy of colonialism, it could be argued that human rights abuse has a long existence in Africa.

In this sense, post-colonial Africa with its replete of local despots and tyrants was simply a continuation of the status quo ante. However, the end of the Cold War and possibility of African despots playing off one super power against the other has impelled African activists to press for human rights observance. This conference aims to focus on the historical aspects of human rights in pre-colonial, colonial and post-colonial Africa, in particular, the state of human rights observance in Africa at the dawn of the twenty first century.

Invited Keynote Speakers include: Professor Zackie Achmat, Wits Centre for Applied Legal Studies, South Africa; Professor Cecil Blake, Dept. of Mass Communications, University of Nebraska, USA.

Who should attend: The conference will be of interest to a wide audience including: Higher Education Departments of Law, Sociology, Politics, Geography, African Studies NGOs working in related areas of interest, Foreign Embassies, Governmental Departments such as the Foreign & Commonwealth Office, the Department for International Development, the Home Office and the DfEE.

Call for Papers /Workshops: The organisers will consider papers relating to the following topics:
• Philosophical Dimensions of Human Rights • Policies in Africa Law in The Service of Human Rights • International, National, Regional and Customary Legacies of Injustice in Judicial Systems • Human Rights Political Culture and Identity • Identity Politics, Race, Ethnicity • Conserving Rights, Denying Rights • Democracy, Governance and the Electoral Process • Minority Rights • Media Freedom • Freedom of Artistic & Religious Persecution • Protecting and Regaining Africa's Cultural heritage • Human Rights and Economic Development • Evaluating Donors and NGOs • Poverty Alleviation • Aid • Debt Relief • Social Welfare • International Trade & Transactions • Corruption • Transnational Corporations • Human Rights and the Environment • Environmental Rights and New Technology • Extractive industry: Oil, Diamonds, Uranium • Narcotics • Disasters and Emergencies: a Rights Based Approach • Humanitarian Dilemmas • Hazards • Degradation • Bio-diversity • Social Rights & African Conditioning • Child Rights: International, Regional and Local Conventions • Gender and Womens Rights • Harmful Cultural Practices

• Rights and The Protection of Indigenous People • Protecting Rights or Perpetuating Inequalities and Abuse • FGM • Domestic Slavery • Slavery and the Black Holocaust • Conflicts and Human Rights • War, International, Civil War Regional • Child Soldiers • War and the Civilian Population • Refugees • Peacekeeping and Human Rights • Complex Political Emergencies • War Ending • Human Rights Violations • Human Rights Training & Education • Human Rights Defenders • Patterns of Abuse • Prosecution of Human Rights Abusers • Impunity and Accountability • War Crimes Tribunals • Truth Commission • Demobilisation and Reintegration of Ex-Combatants • Peace and Reconciliation • Human Rights and Social Citizenship • The Right to health • The Pharmaceutical Industry • AIDS/HIV • Malaria • Inherited Blood Disorder • Human Rights and the African Diaspora • Race and Ethnicity • Right to Asylum • Diasporan Activities • Africa and the New Diaspora • Case Studies: • South Africa • Zimbabwe • War-torn Societies: Liberia, Sierra Leone, Angola, Mozambique, Algeria • Rwanda • Democratic Republic of Congo.

Abstract Guidelines: Abstracts should be submitted as Double-spaced, titled clearly and limited to a maximum of 250 words. Please provide this on paper or on floppy disk, or as an e-mail attachment, and set out as follows: Title in capital letters; Authors name (s); Affiliation / Organisation of author(s); Text. On a separate page please list: Author's name and work address; Contact numbers: at work, fax and e-mail address; Job Title; Title of Abstract submitted; Indicate if you wish to propose a workshop. The deadline for the submission of papers is the 31st July 2001.

Please note that all paper presenters will be asked to submit a copy of their paper for the conference proceedings and will need to register for the conference and pay the registration fee. The conference fee which includes all documentation, refreshments and lunches will be £85.00 plus VAT (£99.88 incl. VAT). There will also be a daily delegate rate of £50.00 plus VAT (£58.75 incl.VAT). Please note that accommodation is not included in the fee. Should you require a list of accommodation close to the venue, please contact the conference unit on (44) 01772-89 22 56. Please note that the conference language is English. Please address all submissions and general enquiries to: Liz Kelly, Business Services, Livesey House, University of Central Lancashire, Preston PR1 2HE, UK; Tel: 00 (44) 1772-89 22 56; Fax: 00 (44) 1772-89 29 38; e-mail: ejkelly@uclan.ac.uk. Website: http://www.uclan.ac.uk/business_services/conf/index.htm
First call for papers

The Academic Council on Problems of African Countries and the Institute for African Studies, Russian Academy of Sciences, are convening the Ninth Conference of Africanists on the subject “Africa in the Context of North-South Relations” on 21-23 May 2002. The major themes of the conference are:

- The whole and intertwined world: causes and prospects of internal differentiation
- Africa in a contemporary system of world order. Challenges of globalisation: are there alternative ways?
- Problems of African economy. Internal and external factors of development. Positive and negative results of structural adjustment;
- Currency and financial problems. ‘African debt’;
- Sustainable development, social progress and ecological problems. The Information Society and Africa. Internet in Africa;
- Problems of African integration. African Union;
- Africa: overcoming asocial phenomena and destructive processes. Shadow economy, criminal world, narco-business, their relations with the outside world;
- Africa and Africans in the context of world history;
- ‘Cold War’ in Africa.
- Africa and problems of the Indian Ocean;
- North (Arab) Africa: models of development in global, regional and local dimensions;
- Southern Africa: unequal development of regions. Is levelling off possible?
- Russian-African relations. Politics, economy, culture, education, military ties;
- Russians in Africa and Africans in Russia;
- Federalism and regional development in multi-ethnic and multi-confessional societies;
- Gender problems of transitional societies;
- AIDS pandemic in Africa as regional and global threat;
- Methodology of African studies: from formation approach to multitude of methods. Civilisational approach in African studies;
- Contemporary state and development of African languages and literatures under conditions of globalisation.
The conference working languages are Russian and English. Its work will be conducted in plenary sections, panels and round tables. Within a framework of the conference major themes the Organising Committee would be glad to receive proposals on setting up panels, with several reports and round-tables, where free discussion is envisaged. Abstracts of papers (up to one page) accompanied by authors’ short CVs as well as proposals on setting up panels and round-tables are expected by E-mail or on a disc by 15 November 2001, and full papers by 15 January 2002. A collection of abstracts is to be published before the conference and a collection of selected papers afterwards.

The preparation for the conference will also be used for the resumption of the activities of the Russian Association of African Studies, and a general meeting of this association is envisaged during the conference.

Apart from travel and accommodation expenses the participants are expected to pay a US$150 registration fee. This includes copies of abstracts and a report of proceedings in English as well as translation of a participant’s abstracts into Russian.

Please address all proposals and inquiries to Conference Organising Committee, Institute for African Studies. 103001, 30/1, Spiridonovka Street, Moscow, Russia; tel. 290 27 52, 290 63 85, fax 202 07 86, e-mail: inter@inafr.ru, copy to vladimir.shubin@inafr.ru

Prof. Alexei Vassiliev, Chair, Conference Organising, Committee Chair, Academic Council on Problems of Africa, Director, Institute for African Studies, RAS; Dr Lyubov Prokopenko, Executive Secretary, Organising Committee, Academic Secretary, Academic Council on Problems of Africa.
Books Received


Robson, Paul (ed.), *Communities and Reconstruction in Angola*, Development Workshop, Guelph, Canada, 0-9688768-0-1.


PHIL RAIKES (1938-2001): AN APPRECIATION

Phil Raikes died on Good Friday 2001 in Copenhagen, after a battle with cancer that stretched back to the early 1990s.

As an intellectual, Phil was not especially prolific, but he had three essential qualities. First, he was remarkably broad. He read widely and voraciously across the full breadth of the social sciences and the humanities, and constantly drew on this reading to take discussion in new directions or – just as frequently – to bring it back down to earth with a thump. Second, he had an over-riding respect for empirical method. Discussions with Phil would usually quickly turn into ones about the sources, quality and reliability of the empirical evidence. At the same time he had great respect for gathering evidence the hard way, through fieldwork and archival work, and for using it creatively. Third, Phil had a profound – and sometimes paralysing – honesty. He refused to set up straw men, or cheap and easy targets. He insisted on balance and complexity. He insisted on the deficiencies of his own discipline (economics), of his own ideological inclinations (marxist) and even of his own capacity to organise material or draw coherent conclusions.

Because of, or perhaps despite, these qualities he produced at least two critically-acclaimed contributions to development studies. The first was *Modernising Hunger* (1988), which together with Jannik Boesen’s book on *Tobacco in Tanzania* put Phil’s institution, the Centre for Development Research (CDR), on the international map for agrarian studies. The second was a compendious survey article from 2000, on globalisation and African agriculture (of which Phil was the lead author), published in *Journal of Peasant Studies*.

My favourite review of *Modernising Hunger* is that written by the respected commentator Knud Vilby, for *Information*. Vilby wrote:

*Modernising Hunger* stands out for two reasons. First, because Raikes writes not as an academic synthesiser, but as an accomplished fieldworker steeped in the quagmire of tropical development projects, and wise to the ways of policy-makers and other well-fed elites. Second, because there is no sanctimonious diagnosis, no theoretical pontification and no pat solutions.

Phil’s article on globalisation and African agriculture is discussed by Henry Bernstein, in his recent attempt to sum up 30 years of contributions to *Journal of Peasant Studies*. Bernstein wrote:

*This article is a pioneering assessment ... while still a preliminary analysis, it sets a standard for similar investigations in its empirical care and analytical finesse.*

I was only close to Phil as a human being for the last decade of his life, but I experienced him as a deeply contradictory person, whose contradictions were never resolved. But the outcomes were usually quite positive, for others around Phil if not for Phil himself. Amongst these contradictions were those that Phil was extremely English but hardly lived in England; that he was intensely private but extremely social; that he was mean with himself but generous with strangers (especially visitors to CDR); that he disliked authority but strongly respected rules; that he disliked
ambition but strongly respected intellectual achievement; and that he was extremely argumentative but never vengeful. But if I were to pick out one as central, it would be that while intellectually pessimistic – to an extent verging on cynicism – he refused to ever play along, fall in line or give up.

This appreciation is best concluded with a few words of Phil’s own, from the conclusion to Modernising Hunger. These were written a few years before his illness, but they sum the way his different qualities allowed him to deal with this, too:

*It would be pleasant to finish this with an uplifting conclusion full of certainties about the way ahead. But this would require a different work by a different author. My main optimism lies in my doubt that things can really be as bad as they seem, and my hope that the possibilities may be better than they appear.*

Peter Gibbon