Public Service Provision in a Failed State: Looking Beyond Predation in the Democratic Republic of Congo

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‘The state is dying but not yet dead’ and ‘the state is so present, but so useless’ are also commonly heard refrains. These popular sentiments, inexorably expressed in all of the country’s languages by the poor and the well-to-do, have been described by development experts and political scientists as state failure. But why is the state still so powerful and omnipresent in the daily lives of these people wronged by colonial oppression, dictatorship, economic underdevelopment and more recently, unresolved political transition? How, concretely, does the state manifest itself? Does the raison d’être of the Congolese state go beyond the violence of exploitation and predation? The objective of this article is to respond to these questions, contributing to our understanding of the function and dysfunction of the Congolese state, notably during the post-Mobutu transition.

Dying But Not Dead

In Congo today, the state doesn’t do anything for us. Roads are a mess, teachers can’t live with their pay, health care is reserved for the upper class, public transport is a nightmare . . . Things were much better before . . . Instead of the state taking care of the people, we cater to civil servants and do the state’s work. (Fieldwork interview)

This litany, which combines nostalgia and legitimate complaints, summarises the perception ordinary Congolese have of the state. ‘The state is dying but not yet dead’ and ‘the state is so present, but so useless’ are also commonly heard refrains. These popular sentiments, inexorably expressed in all of the country’s languages by the poor and the well-to-do, have been described by development experts and political scientists as state failure.

This ostensibly bleak situation is explained by the collapse of the post-colonial system hastily fabricated by Belgium – a situation not dissimilar to the broader fiasco resulting from the inappropriate export of nation-state models throughout Africa. It is also attributable to mismanagement and corruption, Cold War politics, and the ‘paradox of plenty’ or ‘resource curse’ paradigms. As the Congolese Government does not respond to the basic needs of its citizens, it has been replaced by international institutions, non-governmental organisations (NGOs), private enterprise, and increasingly, by the people themselves. Despite this context, however, the state remains an
unavoidable force on the social, economic, political, cultural and administrative fronts in Congo.

But why is the state still so powerful and omnipresent in the daily lives of these people wronged by colonial oppression, dictatorship, economic underdevelopment and more recently, unresolved political transition? How can this paradox be explained? How, concretely, does the state manifest itself? Who are its agents? Does the *raison d’être* of the Congolese state go beyond the violence of exploitation and predation? The objective of this article is to respond to these questions.

Analysis of Congolese public administration is the approach adopted here. It focuses on the relations between people and public services. This is pertinent because throughout Africa’s second largest country, workers, students, the unemployed, people from the formal and informal sectors, housewives and street vendors are all condemned to deal with the hungry representatives of public administrations. Escaping them is impossible. Avoiding a tax, be it official or arbitrarily invented on the spot, is a daunting challenge for some and a daily exercise for others. While most people do whatever they can to outwit the state agent in front of them, the latter rely on a host of tactics and strategies to have the final word. As arbitrariness reigns supreme, state agents try to push up the fine, tax or fee. Meanwhile, people try to pay the smallest amount possible. At the outcome of *palabre* (the ritual negotiation process), each party usually ends up with something: compromise is generally preferred to a unilateral decision. Beyond monetary loss or gain, saving face is also an important consideration.

The presence of state agents and the institutionalisation of negotiation processes and scenarios for all kinds of exchanges remind people of the stubborn persistence of the state. Although the administrative machine is clearly more manifest in towns and cities, rural populations (who comprise approximately half of the Congolese population) are also within its reach. This analysis consequently rejects the frequently expressed idea of a non-existent state. This work contributes to our understanding of the function and dysfunction of the Congolese state, notably during the post-Mobutu transition.

State crisis in Congo is characterised by loss of legitimacy, abdication from the development agenda, incapacity to maintain the monopoly of coercion, shortcomings in the management of political and technical priorities and the inability to mobilise, generate or manage internal and external financial resources. Despite these overwhelming problems, the Congo endures as an administrative space in which state agents and citizens seem to have reached a complex but workable form of accommodation. The Congolese have a love-hate relationship with the state and its administrative machine, notwithstanding its brutality and corrupt practices at all levels.

**Why the Administration Persists**

Even though state crisis certainly handicaps the modus operandi of state services, it has hardly made them disappear. They still clearly have a *raison d’être* throughout society, for elites and ordinary citizens alike. However, state crisis has significantly transformed the original mandates of these services. The administration is a powerful machine that contributes to the perpetuation and reproduction of the state as a sovereign political and territorial entity. Although a recent World Bank report on governance in DRC makes reference to ‘the administration’s endurance and a few pockets
of functionality’, it also argues that the administration ‘seems to have abandoned its original objectives’ (World Bank 2005, p. iii). In a study devoted specifically to the endurance of the Congo state and Congolese nationalism, Pierre Englebert (2003, p. 2) highlights the Congo state’s ‘stunning propensity for resilience’ despite all the indicators that seem to indicate total state collapse.³ This pertinent characterisation is borrowed here to account for the resilience of the Congolese administration.

Exploitation and predation are the dominant explanations accounting for the persistence of the Congolese state in general, and the administration in particular (Mbaya and Streiffeler 1999, p.11). A considerably more subtle argument that contrasts normative concepts of good governance and real practices of governance is put forward by Giorgio Blundo (for West African states): “Participation, decentralisation and administrative transparency need to be interpreted as being particular governmental technologies endowed with their own political rationalities and ‘governmentalities’” (2002, p. 3). A further useful explanation is expressed by Dominique Darbon: ‘… the relationship between service providers and service users is based on uncertainty and discrimination, resulting in a culture of fear, evasion and periodic predation when the opportunity arises’ (2002, p. 85).

Three reasons account for the persistence of the administration in the Democratic Republic of Congo. First, the administration in Congo is instrumentalised by the state’s political elites. They exploit the administration in the same way they exploit mafia-type networks for political survival and personal enrichment.⁴ Even though they exploit and manipulate these networks, they are at the same time dependent on them. Despite the flagrant contradictions and internecine haggling that characterise the symbiosis between state and administration, one could not exist without the other. Aloko Gbodu Ombeng already observed this situation more than 20 years ago in his study of lower-level Zairian civil servants. He analysed the phenomenon of ‘fusion and confusion’ between state and administrative bodies (1987–88, p. 232).

Instrumentalisation is a dynamic and constant process. The state manifests itself in administrative and security institutions. With regard to the latter, the branches involved in the protection of territory and population – but especially protection of the elites themselves – are the army, the police, the intelligence services (Agence Nationale de Renseignements – ANR) and border control (Direction Générale des Migrations – DGM). Although the Ministry of Defence and the Ministry of the Interior theoretically control these services, important decisions emanate directly from President Joseph Kabila and his advisors. In this context, the administration of security is instrumentalised to reinforce and stabilise political elites. This can also be interpreted as being the deliberate production of ‘clever power’ opposed to the production of ‘weak power’ (Diouf 2002, p. 33). This refers to the advantages that political elites derive from seemingly unmanageable political situations that they in fact help produce and perpetuate.

The state also still wields considerable control in the financial arena. Internally, priority is given to services that generate public revenues such as the Direction Générale des Impôts, the Office des Douanes et Accises (OFIDA), the Direction Générale de Recettes Administratives, Domaniales et Judiciaires (DGRAD) and the Office Congolais de Contrôle (OCC). The high-level officials that manage these services are not selected haphazardly: their appointments are decided at the top of the political pyramid and respect a clearly defined paternalistic logic and patron-client patterns. At the external financial level, the state manifests itself via the framework of development cooperation by channelling incoming funds from the international community.⁵ Even though these
institutions rely on a corps of international experts and consultants, the involvement of Congolese civil servants is unavoidable, notably for the identification, definition and implementation of projects and programmes. In the context of the internationalisation (or recolonisation) of the Congo, the state maintains some degree of control through this strategy. The role of Congolese civil servants at all levels is also crucial for the implementation of humanitarian operations or NGO initiatives in the areas of health, education and infrastructure.

The personal survival of its staff is the second reason accounting for the persistence of the administration. Civil servants and other state agents have ‘privatised’ what is officially public service provision. This transformation is conditioned by the ways these agents cleverly exploit the advantages associated with their status or their occupation of positions of authority. They constantly invent new tricks and schemes that could be qualified as ‘creative destruction’ or ‘social cannibalism’ in a context where society is its own self-consuming prey. Relations between civil servants and the administrative services are embedded in a complex and interdependent framework. Without the administrative structure, agents have no reason to exist. Conversely, without staff, these services would cease to function. The survival of agents thus depends on the perpetuation of the administrative structure. Agents consequently need to justify the importance of their work – and themselves – by rendering services which are often insignificant, such as issuing authorisations, certificates, testimonials and by wielding the stamps and seals of their power.

The value of these symbols is an important but often underestimated political reality. It is in this sense that administrative procedures continue to contribute to identity formation in Congo today. Without these symbols, one can easily cease to exist in the eyes of the administration. Service users consequently attach considerable importance to this dimension of what is clearly unavoidable administrative reality. Moreover, this situation helps to clarify many of the negative stereotypes so frequently expressed about the Congo. Authorities at all levels have succeeded in maintaining the real and imagined value of these symbols. They manipulate discourses on the power of symbols and the symbols of power, sometimes with finesse but sometimes with brutality. A retired railroad worker from Lubumbashi, for example, highlighted this by declaring: ‘Documents pertaining to my meagre pension are crucial for my survival’. For civil servants, the administration – and of course the economic buffer zone between it and the public – is not something to be taken lightly. For civil servants and their families, the administration and the state is not an empty shell but a vital reality.

Third, the persistence of the administration can also be explained by the volume and the diversity of services sought after by the population. This pertains mainly to real services that are provided in non-conventional ways. Certain services require specific administrative or technical actions that the state alone is able to fulfil. Given their necessity, people reinforce the state in these areas, helping it to reproduce itself. To avoid public schools closing their doors, for example, parents participate in ‘motivating’ teachers by paying them bonuses to supplement the salaries they receive from the state (the monthly state salary for a teacher is approximately $30). These teachers are part of the administration that recruits them and awards diplomas. Despite the crisis of the public school system, having at least one high school graduate in the family with a state diploma (le diplôme d’Etat) continues to be a powerful objective for Congolese parents. A homemaker and market woman gives a similar example. Instead of simply contacting the national electricity provider (Société Nationale d’Electricité – SNEL) and expecting them to connect her house with electric power, she explains
how the neighbourhood had to form an association, identify a group leader, collect money, buy the electric cables and other materials, and finally negotiate with the SNEL workers and pay them for the technical and administrative work they eventually performed. This is a typical example of new forms of state-society relations in the DRC: an ephemeral neighbourhood association cooperating directly with a national agency to obtain a concrete result. The population benefits because they get electricity at home (except of course during the frequent blackout periods) and the SNEL agents benefit because they are paid hard cash for their expertise instead of depending on inadequate and randomly paid state salaries. This type of public/private hybrid solution is characteristic of relations between people and the state in many areas of public life in the Congo.

Strategies Have Replaced Policy

Public administrations in most countries are subordinate to the state executive. Political authorities define policies that are implemented by the administration. However, even in developed democracies this relationship is often put to the test; in Congo it is pure fiction. Administrative personnel in Congo define their own strategies without necessarily taking into account political injunctions. Strategies have replaced policy. Nonetheless, administrative personnel have elaborated dynamic forms of accommodation with both political authorities and the people. In both cases, they pragmatically address their own needs and expectations before those of the services they are supposed to provide. In some cases, they execute decisions emanating from political authorities to the letter, sometimes partially, but generally not at all. The only certainty is that personal opportunism governs their actions. It is for this reason that administrative service providers in Congo are perceived as unmanageable, undisciplined, mercenary, corrupt and, quite simply, useless. A recent survey on how the Congolese perceive the state included the question: ‘if the state were a person, what would you do to him?’ ‘Kill him’ was the unequivocal reaction of most respondents (World Bank 2005, p. 22). It is also for this reason that so many efforts are devoted to restructuring the administration in the Congo.

Administrative reform has been on the political agenda in Congo since independence. It was also an intractable problem that preoccupied Belgium during the colonial period. The size of the country, its intricate ethnic mosaic, its ecological disparity and the complex nature of the country’s political economy seriously undermine its administration. No sector of public life – justice, education, economy and finance, infrastructure, territorial administration and civil service – has been spared. Administrative reform was also on the agenda at the National Sovereign Conference in 1993 but the resolutions agreed upon were never implemented. This historic debate mainly concerned territorial decentralisation and the decentralisation of the civil service (Kanynda Lusanga 1984, Mukoka Nsenda 1986, Delta I Consulting 2002, World Bank, 2005). Today, people believe that a less corrupt and more efficient administration is possible, despite the overwhelming political challenges that need to be resolved before this drastic change could become reality.

Programmes and projects aimed at administrative reform are ongoing in DRC. Three priorities are systematically identified even though they have not been applied. Setting aside the stumbling blocks of the absence of political will and financial wherewithal, these priorities are: (1) recruit civil servants on the basis of their qualifications as opposed to recruitment based on nepotism and patron-client relations; (2) pay them
decent salaries; and (3) evenly distribute human, financial and material resources
between the centre (Kinshasa) and the periphery (the decentralised administrative
entities). One such programme is the National Secretariat for Capacity Building (Secrétariat National pour le Renforcement des Capacités – SENAREC) organised with the
Ministry of Planning (Ministère du Plan). Its ambitious goal is to strengthen administra-
tive performance. Its mandate, like that in other African countries where the same
approach is being implemented, includes the creation and strengthening of units
designed to formulate policy within different ministries and public organisations. It
also includes organising and funding training sessions to improve the skills and com-
petence of civil servants (Delta I Consulting 2002, p. 26). SENAREC is also mandated
to identify priorities concerning equipment procurement. Computers, photocopiers,
fax machines and fixed-line telephones are absent from the vast majority of public
offices in DRC today. Most of the big donors (World Bank, European Commission
and USAID) are involved in some form of concrete administrative reform. Belgian
Technical Cooperation (CTB), for example, is working on the design of what they
refer to as a user-friendly administration for development (l’administration de proxi-
nimité). The idea, once again, is to narrow the gap between service users and service
providers by bringing the administration closer to people and by making procedures
transparent (Nlandu et al. 2005). Full or partial privatisation of services is increasingly
on the reform agenda, as is increased involvement of international agencies and NGOs
to deliver services and monitor their quality.

It is far from certain that these well-intentioned initiatives are based on locally appro-
priate world views. Attempts at administrative reform have failed largely because of
the absence of adequate sociological feasibility studies. Insufficient effort has been
made to try to define the type of administration that corresponds most closely to
the needs of the Congolese. Moreover, ‘good governance’ initiatives, including
efforts to combat corruption, (designed in Washington, Paris or Brussels – and increas-
ingly London), erroneously consider problems of Congolese service delivery more as
technical problems rather than political ones (Anderson 2005, International Crisis
Group 2006). The scepticism previously expressed by Léon de Saint Moulin with
respect to Mobutu’s relations with the administration remains pertinent and timely:
‘the history of Zaire shows that administrative reforms tend to be strategic positioning
rather than real changes in the distribution of power’ (de Saint Moulin 1988, p. 221)
(author’s translation).

An Ambiguous and Random Administration

The Congolese public administration is ambiguous, arbitrary and hybrid. Negotiation
with its agents is constant and is experienced at national, provincial and local levels.
Administrative procedures are conditioned by the mood, availability, personal expec-
tations and needs of civil servants. Depending on the context, they may adopt a formal
discourse (strictly adhering to rules and regulations) just as they may opt for an infor-
mal approach (inventing or ‘interpreting’ rules). Combining the two is not uncommon
(Bussers 2001, p. 21).

From a strictly formal perspective, the administration is based on legal instruments
that define state-society relations, specifying rights and responsibilities. Theoretically,
the Congolese administration defines how the population is controlled, maintains
census data and ensures its well-being. It is mandated to prepare budget forecasts
and collect the state’s taxes. Municipal administrations in DRC are responsible
for public order, the economy, public works, agriculture and animal husbandry,
environmental management and cultural issues. These services frame the legal context in which state agents manoeuvre and jockey for position. They remind users of this legal framework in order to intimidate them during the inescapable negotiation processes that characterise their relations. While most political science research over the past 20 years has focused almost exclusively on informal power relations, bringing back the formal administrative context is an important means to help understand the dynamics of the contemporary African state.

**Lubumbashi**

The administration of Lubumbashi and other Congolese cities is directed by the mayor and his cabinet, an assistant mayor and the chief of the urban division (*chef de division urbaine*). The latter is responsible for the coordination of all of the technical services of the administration. Two bureau chiefs (*chefs de bureau*) rank next in the municipal organisational chart. One (*le receveur urbain*) is responsible for tax collection, accounting, protocol and supervision. The second is responsible for the civil list, burial procedures, civil protection and different forms of financial control (*tutelle*). *Burgomaitres* (mayors) are next in line: they are in charge of administering the urban sub-districts referred to as *communes*. Neighbourhood and street bosses (*chefs de quartier, chefs de rue*) are the officials at the lowest administrative echelon. They are the link between higher level municipal authorities and the population. Their designated tasks include reporting deaths, births and other residency issues, and community mobilisation for hygiene, sanitation and other local community priorities. These *chefs* are also supposed to submit daily and weekly activity reports to their superiors. While people do in fact fill in the boxes in the organisational chart, they do not necessarily implement the tasks assigned to them.

The Lubumbashi budget is also a good example of intermingling between the formal and the informal. In theory, generating revenue for the municipal budget respects procedures, rules and regulations. In practice, patrimonial and prebendal conditionalities have replaced the official administrative logic. Furthermore, a World Bank survey reveals that fewer than half of Congolese civil servants even know that their administrations or services have a budget (World Bank 2005, p. 48). Tax collection procedures follow a semblance of order. They seem to be known by service users and service providers, although they are not necessarily respected. In other words, the administrative machine ‘works’ when it comes down to generating income.

The municipality uses many different means to generate tax revenues. There are taxes imposed on stands at public markets or the many makeshift kiosks where basic household goods are sold along Lubumbashi’s major avenues. Users of public parking areas also pay this type of tax referred to as *taxes rémunératoires*. Payment for official notarised documents and certificates at the town hall (*maire*) falls into this tax category as well. The city also generates revenue by renting out properties such as the Kenya stadium (for sporting events or concerts) and the Bâtiment du 30 juin (for political rallies or graduation ceremonies). Stamp taxes (*taxes fiscales*) are another category of municipal revenues. Stamps are required on documents where authorisations are needed (outdoor religious jamborees or political gatherings, for example). Fines and the taxes on Lubumbashi’s three casinos are also considered as stamp taxes. Finally, communal taxes have contributed to the municipal budget since Laurent Désiré Kabila put the *communes* under the administrative jurisdiction of the city in 1998. Taxes on birth or death certificates, for example, are imposed by the *communes* but on behalf of the city.
While administrative roles and responsibilities in many cases are clearly defined, areas of ambiguity are also carefully reproduced by state agents. The overlapping between the municipal hygiene service and the municipal environment service is a case in point. In principal, the former is responsible for health issues and the latter for the cleanliness of public space. When agents from both services approach a market woman selling chickens or to the manager of a bar, these latter have no idea whose requirements they should respect. The same type of ambiguity pertains to agents that represent the Lubumbashi municipal level and the Katanga provincial level. State agents (or impostors) rarely have uniforms, badges or other forms of insignia that allow people to identify who these sometimes real, sometimes false, agents truly are. All of this facilitates the harassment of service users.

These ambiguities are exacerbated by the impunity that characterises irregularities and abuses. The predatory strategies of state agents are explicitly approved by hierarchal bosses because they directly benefit from the proceeds exacted by their subalterns. Congolese are all too frequently reminded of the expression: ‘you won’t get any satisfaction by complaining about the crocodile to the hippopotamus because they both live in the same murky water’. Kahola (2006, p. 29) reported an example of this in his study of a Lubumbashi police station. Policemen justify beating inmates unless they give them money by arguing that if they do not do so, their children will go hungry. Abuse results from the absence of recourse to a higher body interested in sanctioning such treatment.

Disillusioned Personnel

State agents in Congo have every reason to be disillusioned given the degradation of their working conditions over the past 20 years. First, salaries simply do not cover basic needs. The average civil servant’s monthly wage ranges from $15 to $30. Buying food, paying rent, school fees, transportation and other expenses is a nightmare because these expenditures tend to be more than ten times an average monthly salary. For example, a 25-kilogramme bag of corn meal in Lubumbashi costs $15. The average family, which numbers eight individuals, needs a minimum of two bags per month. The situation in Kinshasa, where the staples are manioc and rice, is comparable. Legal social advantages are not respected either. When the economy was still relatively solid in the 1960s and 1970s, civil servants received instalment allowances upon being hired, marriage gifts, salary advances in justifiable cases, funeral costs for family members, holiday bonuses and regular cost-of-living increases. Today, these perks are only memories. This situation explains why people say they live ‘thanks to miracles’ or ‘by the grace of God’. It also explains why civil servants have to play more than one card at a time to make ends meet.

The working environment is another source of frustration. Four to eight people gather around a few tables on uncomfortable chairs in an office, often without electric lighting. The toilets that were installed decades ago are more likely than not blocked up today. An old minivan in the back of the Lubumbashi courthouse currently serves as a toilet for staff. Elsewhere in urban Congo, people resort to plastic bags. Whatever office furniture and equipment there may be is old and dilapidated. Few civil servants have computers and practically none have landline telephones. Sometimes, however, the clackety-clack of an old mechanical typewriter can be heard. To make a phone call, civil servants have to use their own mobile phone credits. The emergence of the cyber-café where people can make phone calls, use computers, access the internet and pay
for secretarial services is a partial solution for civil servants. It is the service user (who is perceived as a client or as prey) who ultimately pays whatever costs have been incurred, constituting another example of the privatisation of public services.

Medical services for workers and their families have collapsed. In the past, again, medical workers received free health care. Today, public medical facilities are unable to offer meaningful – or trustworthy – care. Left to fend for themselves, public servants are, likewise, worried about how they will cope after retirement. The ‘golden age’ is widely perceived as a looming nightmare. Based on what they can see from their predecessors, those that have no family to depend upon fear they will either become beggars or die.

The negative image of the fonctionnaire in the eyes of service users is yet another problem. Considered as social parasites, they embody pettiness and misery – especially those who are at the bottom of the administrative hierarchy. Prior to the economic crisis, who was not jealous of them? In the late colonial period, joining the ranks of the Administration d’Afrique was a prestigious position for a Congolese worker. The deterioration of the image of the civil service and the gradual process of state collapse took place at the same time. Today, accusing someone of ‘wearing the jacket of state agent’ (porter koti ya muntu wa l’état) is a cruel insult.

Public service providers in Congo have been forced to prioritise personal gain; discipline or loyalty to their duties is secondary. The conditions, steps and requirements necessary to obtain a single administrative document, for example, have been carefully re-defined to allow the entire administrative hierarchy to benefit in some way or another. Formality and informality thus emerge as two interrelated sides of public service. This duality has also been expressed as pragmatism versus conformity (Delta I Consulting 2002, p. 17) and as social logic versus administrative imperatives (Mpinga 1970, p. 304). This situation, which makes a Weberian system of service delivery utopian, lends credibility to the argument articulated by Chabal and Daloz (1999, p. 149): ‘informalisation is nothing other than the day-to-day instrumentalisation of what is a shifting and ill-defined political realm’.

The recruitment process into civil service is also a good example of the negotiated and ambiguous character of the Congolese administration. Although the official procedure calls for a selection process based on merit and transparency to allow for equal opportunities, ‘discretion’ governs how individuals are hired. Recruitment criteria are nebulous and hidden from the general public. Information is transmitted by word of mouth and within mafia-type networks, ethnic circles and other forms of patron-client relationships. The decision to hire an agent for service in Lubumbashi emanates from the administrative hierarchy in Kinshasa, which alone has the authority to issue a badge number (numéro de matricule). Nonetheless, local authorities do have some leeway to support their candidate. This set of procedures creates an ambiguous work environment because while the agent takes orders from the local provincial or municipal chain of command, he must also take into account injunctions emanating from the distant capital. The statute of the civil servant is consequently incompatible with the logic of territorial decentralisation initiated by Mobutu in 1978, which was subsequently reinforced in 1982 by a further set of reforms (de Saint Moulin 1988, p. 29). The incompatibility results from de facto territorial decentralisation not being accompanied by the decentralisation of the public service which is still centralised. Lubumbashi-based civil servants, like their counterparts throughout the vast Congolese territory, are consequently subject to two parallel forms of command.
One implication of this pluralism is the increased capacity of civil servants to exploit their positions of authority to satisfy their own needs.

The attitudes and daily practices of civil servants in this context are geared more to the fulfilment of personal expectations than the execution of public service. This Congolese reality helps account for a host of administrative weaknesses such as absenteeism, strategic foot-dragging, ‘featherbedding’, collusion, obstruction of justice, private payment for public service, destruction or ‘accidental’ loss of archives and other forms of petty corruption. State agents have all but abandoned the principals of continuity of service and the equality of users. Services, the time devoted to an individual, due process and other responsibilities all accrue to the highest bidder, those who have efficient intermediaries, friends in high places or those who have strong bargaining capacity.

The work ethic of civil servants is less an issue of professional loyalty than one of personal survival and improving the lot of their families. This has an impact on the amount of time a civil servant is present at work. Human resource management in Congolese administrations is generally of poor quality: refresher courses and other forms of continuing education are rare and there is little concern for institutionalised career planning. Many civil servants consequently ‘moonlight’ by running small shops and offering privatised services. Others combine public service with urban or peri-urban agriculture. This class of civil servants have adopted a motto ‘help yourself first’, transforming President Mobutu’s famously cynical slogan ‘help – don’t help yourself’ (*servir et non se server*).

This bleak portrait contrasts sharply with the huge benefits that some higher-placed civil servants generate from their positions. While the majority find it more logical to tend to their small farm plots instead of going to the office, others are highly motivated to go to work. The head accountant at the town hall or the tax controllers from OFIDA (Customs and Excise Tax Service), for example, can hardly afford to miss a day’s work given their capacity to intercept ordinary citizens. A similar case is that of the civil servant responsible for issuing vaccination cards and health certificates in the public health department for the city of Lubumbashi (Dibwe 2002, p. 49). Despite the tendency to denigrate public service today in Congo, it is precisely because of these petty fiefdoms that people are still interested in being recruited into the administration. Access to these positions is based on nepotism, a recommendation by an elite and other forms of patron-client relations. Merit is not a factor that carries much weight in the selection process. In order to remain in these ‘juicy’ positions, a percentage of the benefits must trickle upwards. If not, a person would be quickly replaced by someone else more respectful of this golden rule of patron-client relations. This also explains why ordinary Congolese complain of being between the hammer and anvil of the administration.

**Towards Governance by Negotiation?**

Negotiation is the common theme running through state-society relations in urban Congo. Exchanges between service providers and service users are all based on some form of negotiation. Congolese invariably complain of hassles, intimidation and vulnerability. They allude to arbitration, intercession (the importance of using the services or talents of a go-between) and social proximity (seeking help from a friend of a friend). Every administrative situation, problem or request has an appropriate series of steps to be followed. The mechanisms of this process are coded and
assimilated by stakeholders. Negotiation is omnipresent at all levels, irrespective of the stakes. People quibble over the price of a bag of cooking charcoal, just as a well-to-do wholesaler haggles over the amount of money he will pay as annual income tax.

One of the golden rules that service users have been forced to accept is to conjugate the verb ‘to eat’ in the first person plural. ‘We eat’ works; ‘I eat’ does not. Those who try ‘eating’ alone, without sharing with civil servants are certain to have problems. Conjugating the verb in the present tense, ‘we eat’, is also more likely to avoid hassles because promises of sharing in the future, ‘we shall eat’, are clearly less acceptable.

The people we interviewed all had different stories about how administrative reality is constantly negotiated. A Greek baker expresses negotiation as bargaining (la coop). A taxi driver reveals how he relies on ‘authentic false’ documents to avoid police hassles. In the construction material import sector, a hardware store owner describes the advantages and disadvantages of offering kickbacks to customs agents at the Congo-Zambia border. The importance of gift giving is also made clear: tips, ‘motivation’, ‘car fare’, are a few expressions – along with numerous ‘eating’ metaphors exemplified by Bayart (1992). These code words confirm the entrenched practice of selling public services for private benefit.

Despite the hassles that invariably accompany the administrative itineraries of ordinary Congolese, they do not overreact to them. The relative absence of serious conflict is rather surprising. Hassles are strategically orchestrated by state agents to prepare for a mutually satisfactory denouement. An extreme case is recourse to a ‘Stockholm syndrome’ type strategy. After ill-treating a service user, a civil servant accepts to take him under his protection to avoid worse problems with his predatory colleagues. The unfortunate service user can hardly refuse this ‘protection’ or the ransom demanded.

All of these different forms of negotiation thrive in the arbitrary context of the Congolese state system. Formality and informality are intertwined: the discretionary application of rules depends on the needs and expectations of the agent and the financial or social position of the citizen. This corresponds to what Rubbers (2006, p. 386) has described as ‘la violence de l’arbitraire’ or what Blundo and Olivier de Sardan (2001, p. 21) consider as the embeddedness of corrupt practice within post-colonial African society.

Beyond the disorder that characterises Congolese institutions, people know what they have to do to maximise gains and minimise losses. It is rare that one party wins all and the other loses all. Generally, a compromise solution is reached. The foremost premise of conflict prevention, ‘never underestimate the power of a relationship’, is strictly applied. All the ramifications of these negotiation processes confirm a threefold Congolese reality: a weak state, a high degree of sophistication with respect to deviance in administrative affairs and the application of a case-by-case approach (as opposed to the application of universal rights for all). This triple reality reflects the breach between the original mandate of the post-colonial administration and the way it continues to reinvent itself according to its own logic.

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Endnotes

1. This analysis is based mainly on interviews conducted in Lubumbashi in 2006. It is a modified version of the introduction to Trefon with Ngoy (2007).

2. A previous publication addressed how ordinary people in Kinshasa have reinvented their relations with the state during the democratic transition period (Trefon 2004).


4. Reno proposes another approach to help understand the antagonism between the administration and the MPR state: ‘Mobutu’s lack of central control over sprawling local networks of new cadres and administrators led him to use destabilizing indirect methods to weaken their power’ (Reno 2006, p. 54).

5. It should be remembered that the international community has been contributing approximately half of the entire state budget in recent years. The 2008 budget is US$3.4 billion, which is surprisingly small for a country with so much natural wealth.

6. According to Olivier de Sardan (2000), corruption in Africa is legitimised by low salaries in the public service sectors.

7. The SENAREC in DRC is financed by the United Nations Development Programme and the African Development Bank.

8. There a few exceptions. With specific respect to the Congo, see Denis Tull (2005) on the reconfiguration of political order in North Kivu, a World Bank report (2005) on good governance and public service, a section of Rubbers’ doctoral thesis (2006, pp. 380-390) where he looks at the relations between expatriate business people and the Katangese tax authorities and an anthropology of the population department of the Lubumbashi town hall (Bussers 2001). Beyond the Congo, these issues have been addressed in Bulletin de l’APAD, ‘La gouvernance au quotidien en Afrique: les services publics et collectifs et leurs usagers’ edited by Giorgio Blundo (2002) and no. 83 of Politique africaine on corruption in west Africa edited by Giorgio Blundo and Jean-Pierre Olivier de Sardan.

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The End of a ‘Special Relationship’? The New EU–ACP Economic Partnership Agreements

Adrian Flint

The WTO-sanctioned waiver for the extension of the Lomé system of preferences to the African, Caribbean Pacific (ACP) countries expired in December 2007. This deadline coincided with the scheduled conclusion of the EU–ACP Economic Partnership Agreement (EPA) negotiations, initiated in 2002. The origins of the EU–ACP relationship stretch back to the early days of the European Community, and were formalised in 1975 with the signing of the Georgetown Agreement. However, there has been a notable ‘cooling’ of the relationship since the signing of the Cotonou Partnership Agreement in 2000. For many, the new EPA framework is perceived as a diktat rather than a true partnership agreement. This article reviews the culmination of six years of talks between the two sides and the EU’s apparent ‘rationalisation’ of a decades-old partnership.

Introduction

The African, Caribbean Pacific (ACP) bloc is in tatters. It is also clear that the European Union’s (EU) ‘rationalisation’ of its development agenda over the course of the last two decades has been a direct influence on the increased marginalisation and subsequent disintegration of the ACP as a special grouping. The Lomé trading regime, which in 1975 established privileged and non-reciprocal access to EU markets for ACP exports, created a ‘unique bond’ between the two groups. However, by the 1990s it was obvious that, from an EU perspective, Lomé had run its course. The EU made it plain that the regime would not be extended past 2000. A new partnership agreement, signed in Cotonou in 2000, set out the blueprint for future EU–ACP relations. The Cotonou Agreement was a disappointment for many ACP countries because it appeared to signal the final collapse of collective ACP bargaining power vis-à-vis the EU. This article considers the implementation of the Cotonou Partnership Agreement for the ACP grouping. It focuses on the EU’s creation of a two-tier bloc by virtue of its Least Developed Country-specific ‘Everything But Arms’ initiative and its determination to replace the universal approach inherent in the Lomé arrangement with six regionally-negotiated, WTO-compliant, trading regimes.

This article expands on developments that have been of considerable interest to contributors of the Review of African Political Economy since the signing of the Cotonou Agreement in 2000, namely increased evidence of neo-colonialism, EU ‘mercantilism’ and the concept of ‘partnership’. In particular, the article can be seen
as an extension of some of the concerns and issues highlighted in \textit{ROAPE} 112, ‘Trading Africa’s Future’, which included relevant articles by Colin Stoneman and Carol Thompson (2007), Michael Barratt Brown (2007), Jan Orbie (2007), Paul Goodison (2007b, 2007c). The former, notably, has published a number of related articles in \textit{ROAPE} on the subject of EU relations with Africa, EU development policy and the ongoing EU–ACP EPA negotiations (Goodison 2005a, 2005b, 2006, 2007a). The issues raised in these earlier editions remain pertinent. With the collapse of the Doha trade talks in July 2008, bilateral trade agreements are increasingly perceived as ‘the only game in town’, with the key players such as the EU and the US increasingly free to flex their economic muscle. Faced with strong-armed negotiating techniques and ever increasing fears of a global recession, many African countries have found avenues for coherent resistance to be limited.

\textbf{Contextualising EU–ACP Cooperation}

Cooperation between the EU and the countries that came to form the African, Caribbean Pacific (ACP) bloc in 1975 is almost as old as the EU itself. French influence in the early days of the EU ensured the development of a ‘special relationship’ between the newly formed European Economic Community and countries tied to Europe through colonialism. The special nature of this relationship came to be entrenched with the signing of the Georgetown Agreement in 1975, the formation of the ACP bloc and the negotiation of the Lomé Convention. The Lomé Convention and its later incarnations were to govern EU–ACP cooperation for 25 years and formed the heart of the EU’s development agenda.

France had made it a condition of its accession to the Treaty of Rome that there be some accommodation made for its colonial and ex-colonial territories. Consequently, a regime of association was created in 1957 and in 1958 the first European Development Fund (EDF) was established with a budget of 58 million European Units of Account ($58 million).\footnote{A significant proportion of this funding was distributed in the form of grants to French overseas territories. The relationship was formalised in 1963 by the signing of an association agreement in Yaoundé, Cameroon, between 18 newly independent francophone African states and the EEC. The Convention, which was subsequently renegotiated, was in operation between 1963 and 1969 (Yaoundé I) and between 1969 and 1975 (Yaoundé II), and established the basis for EU–ACP cooperation. In view of the proposals advanced by the Cotonou Agreement (see below), it is noteworthy that the Yaoundé regime stressed the need for reciprocity and non-discrimination in exchange for EDF grants. Furthermore, it actively encouraged the formation of regional partnerships in order to facilitate the creation of a Europe–Africa free trade zone (Lecomte 2001, p. 8). However, the Yaoundé goal of an EEC–Africa free trade zone went unrealised due to three key factors:}

\begin{enumerate}
\item The majority of newly independent African states chose to base their economies on import-substitution strategies, which entailed high levels of protectionism. There was thus little enthusiasm for reciprocal trade links with the EEC.
\item French business interests, which had enjoyed preferential access to these markets, were anxious to ensure that other European companies did not undermine their security.
\item The United States was determined to prevent Europe claiming Africa as its sphere of influence and argued strongly against the concept.
\end{enumerate}
When Great Britain was finally admitted to the EU in 1973, it was clear that a new, more effective agreement would need to be negotiated in order to accommodate Commonwealth interests. The EU decided to divide the Commonwealth countries into two groups, the ‘associables’ and the ‘non-associables’. The associables included the African, Caribbean and Pacific Commonwealth members and these countries were invited to negotiate association agreements with the EU. The non-associables, such as India, were deemed too developed to warrant inclusion in such an agreement and were thus restricted to negotiating standard trade agreements with the EU (Brown 2004, p. 45).

To the surprise of the EU, when talks began in July 1973, the African, Caribbean and Pacific countries decided to negotiate as a bloc rather than in regional groupings (Hall and Blake 1979, pp. 111–125). This show of unity led to the formation of the African, Caribbean and Pacific (ACP) group in June 1975, when 46 developing countries signed the Georgetown Agreement. The fact that these countries chose to negotiate an association agreement as a single group significantly bolstered their leverage during the talks. Consequently, the resulting convention, Lomé I, appeared to offer ACP countries a number of favourable concessions.

The demands for reciprocity and Free Trade Zones inherent in Yaoundé were dispensed with in favour of non-reciprocal tariff preferences for ACP countries. Furthermore, the EU introduced compensation mechanisms such as STABEX and SYSMIN\(^2\) in order to help offset commodity price instability. Following the 1973 oil crisis, the ACP countries were able to extract such concessions from the EU as a result of European anxieties as to the continuing availability of raw materials and as a result of Cold War geo-political considerations. Furthermore, the negotiations took place in the wake of the United Nations call for a New International Economic Order (NIEO) in 1974, which demanded that developed countries make fair the terms of trade between North and South. The first Lomé Convention was duly signed in 1975 between the then nine member states of the EU and the 46 ACP states. Formalising the group as it did, the Georgetown Agreement created the structures necessary to facilitate the agreement, including a secretariat. The Convention was subsequently renegotiated at five-yearly intervals, in 1980 (Lomé II), 1985 (Lomé III), 1990 (Lomé IV) and finally in 1995 (Lomé IV–bis).

Lomé was thus very different from Yaoundé. The agreement was a clear breach of the Most Favoured Nation (MFN) principles inherent in the General Agreement on Tariffs and Trade (GATT) and consequently required a waiver. Article I of the GATT demands that any trade concessions offered by one signatory to another must, in turn, be offered to all other signatories. The GATT broadly allows for two exceptions to this rule if, one, the concessions are motivated by development concerns and two, the concessions relate to the functioning of free trade areas. However, the GATT rules stipulate that concessions cannot discriminate. For example, if the concessions were offered to developing countries, then they would have to be available to all developing countries. Lomé trade preferences, on offer only to ACP countries, were thus a breach of the GATT. Moreover, running counter to many of the free trade aspects of the Yaoundé regime, Lomé offered banana, beef and veal, rum and sugar protocols which, in essence, guaranteed producers prices well above global market levels. Moreover, ‘stabilisation’ measures such as STABEX and SYSMIN further sidelined market pressures within the EU–ACP relationship.

Of all the ensuing accords, Lomé I was the closest to an agreement between partners. There was little or no conditionality and ACP members were free to formulate their
own economic policies without undue outside interference. However, each successive renegotiation of Lomé diminished the power of the ACP within the relationship. The debt crisis of the 1980s, the collapse of world commodity prices and the end of the Cold War eroded its bargaining power, with the result that the EU was able to incorporate conditionality into later versions of the Treaty. Poverty reduction, good governance, gender equality and sustainable development all became hallmarks of Lomé’s later incarnations (Dearden 2002, pp. 4–6). Positive as these conditions arguably are, it is nonetheless possible to view the relationship between the EU and the ACP as having become increasingly one-sided. The concessions secured by the Bloc in the negotiations in the build-up to Lomé I were progressively ‘rolled-back’ by each successive renegotiation of the convention. Yet despite such increasing disparities, the majority of ACP countries were dismayed when it became apparent that the convention would not be renewed after the expiry of Lomé IV–bis in 2000.

The Erosion of a Special Relationship

Lomé I represented the ‘high water mark’, from an ACP perspective, in EU–ACP relations. A sense of partnership prevailed; the lack of conditionality allowed ACP countries to determine their own domestic economic policy together with systems of governance, cementing the ‘uniqueness’ of the relationship. However, the equilibrium of the partnership was rapidly undermined by changes in the global arena. The debt crisis of the 1980s, brought about by the oil crises of the 1970s and a collapse in global commodity prices, dramatically altered the balance of power between the two blocs. The debt crisis saw a shift away, on the part of major donors, from project finance to the funding of ‘policy reform’ and the implementation of neoliberal economic practices. This shift in focus was spearheaded by the IMF and World Bank, but rapidly adopted by other key actors such as the EU (Brown 2004, pp. 19–20). Chris Patten, UK Overseas Development Minister in 1988, succinctly articulated the view in Europe at the time, ‘it makes no sense to argue one course in Brussels and other in Washington’ (cited in Brown 2004, p. 22). The imposition of economic conditionality put the EU–ACP relationship under a degree of strain because it was incompatible with the partnership ethos that was supposedly at the heart of Lomé. However, the Commission maintained that the structural adjustment was unavoidable and duly incorporated neoliberal economic conditionality into the Lomé framework.

When it became clear, towards the late 1980s, that the structural adjustment policies advocated by the IMF and World Bank were having little effect in bolstering economic growth in developing countries, particularly those in Africa, the strategy was reconsidered. It was argued by advocates of adjustment that any failure in promoting development was as a result of poor implementation rather than any inherent policy deficiency. Consequently, the IMF and World Bank began to demand political as well as economic conditionality. It was believed that transparency and good governance would reduce corruption and would generate the necessary political will to force through reforms (Brown 2004, pp. 25–31). The EU rapidly followed suit, making good governance an important plank in its development strategy.

Once again, by the mid-1990s it was apparent that the majority of developing countries were under-performing economically, despite the introduction of economic and political conditionality. The international consensus shifted towards ‘pro-poor’ strategies aimed at promoting poverty alleviation. However, it was made clear from the outset that any poverty alleviation strategies devised would not be permitted to conflict
with the neoliberal reforms also demanded by key donors such as the IMF and World Bank. Once again, the EU rapidly fell in line with the IMF/World Bank view of development. The language of poverty alleviation is plain to see in the 2000 Cotonou Agreement, just as economic governance was explicitly entrenched in Lomé IV and good governance in Lomé IV–bis. By 2000, the approach adopted by the EU to its ACP partners was a long way removed from that negotiated in 1975. Furthermore, instead of being a partnership based purely on the needs of the participants, the relationship became increasingly normalised within a growing international development consensus.

It was not only the evolution of the Washington Consensus that was to affect the relationship between the EU and the ACP. The fall of the Berlin Wall in 1989 and the end of the Cold War were also to have a profound effect on the ‘special nature’ of the relationship. The end of the Cold War meant that, from a strategic perspective, African countries ceased to be as important, geopolitically, as they once had been. Furthermore, it meant that markets and trading partners in Eastern Europe, long cut off from the EU by the ‘iron curtain’, now became accessible. The EU’s attention became increasingly focused on its near neighbours, to the detriment of its ACP partners. In 1970–74, out of the top 15 recipients of EU aid, 13 were ACP members; by 1996–97 this figure had fallen to just two, the remainder being made up of East European countries and countries bordering on the Mediterranean (Smith 2004, p. 62).

The EU’s commitment to its near neighbours was confirmed in 2004 when ten mainly former communist bloc countries acceded, swelling its membership to 25 and again, in 2007, with the accession of Bulgaria and Romania. Moreover, the end of the Cold War also served to open up other regions to European interests. Latin American countries, during the Cold War lying strictly within the American sphere of interest, have entered into a variety of arrangements with the EU including an association agreement between the EU and MERCOSUR (Argentina, Brazil, Paraguay and Uruguay) in 1996 and a EU–Mexico free trade agreement in 1999. Negotiations for a MERCOSUR–EU free trade agreement are underway. The EU has also been attempting to extend its influence in Asia, based on a cooperation agreement signed with the Association of South East Asian Nations (ASEAN) in 1980. In short, the EU has become a global actor since 1989 and the ACP countries are no longer its only or even main trade concerns. Given this change in circumstances, it is possible to argue that Cotonou represents the ‘rationalisation’ of EU development policy where the ACP is concerned. The ACP bloc is now simply one amongst many, no longer ‘special’ (Smith 2004, p. 62). By the time Lomé expired, the Generalised System of Preferences (GSP) regime that governed EU relations with non-ACP developing countries had been extended and enhanced to such a degree that the tariff differences between the two arrangements had fallen to just 2 per cent of each other in most areas (Dickson 2004, p. 42).

However, the simplest explanation for Lomé’s demise was its incompatibility with the international trading regime enshrined in the GATT and later the WTO. The Lomé regime found itself under sustained pressure from 1994 onwards when a GATT Panel ruled that the non-reciprocal elements contained within the convention, as well as its discriminatory nature, meant that it was incompatible with the multilateral trading system. Consequently Lomé IV–bis (1995–2000) required a WTO waiver before it could be implemented. Largely as a result of the GATT Panel’s findings, the EU decided that any future EU–ACP agreement would have to be consistent with WTO rules.
It can be argued that it was becoming increasingly apparent to EU policy makers that certain ‘sacred cows’, such as the Common Agricultural Policy (CAP), were also coming under sustained pressure to be reformed. The ACP regime had been relatively cheap to run and involved little in the way of actual costs to the EU. However, with the CAP under threat from outside interests such as the USA and WTO, it seems likely that the EU viewed an additional battle over preferences to third countries as being too ‘costly’ (Dickson 2004, p. 56). In addition, the slow pace of multilateral trade negotiations at the WTO, combined with an increasingly vociferous lobby, drove the EU to consider alternatives.

What has become clear is that while EU ambitions have been frequently stalled or thwarted within the confines of the WTO, its bilateral negotiations have largely secured what its negotiators have failed to attain through the WTO (see Stoneman and Thompson 2007). The result has been that the EU has attempted to reshape much of the developing world to suit its own purposes. In order to do so, relics from the past, such as Lomé and ACP needed to be sacrificed in order to facilitate more EU agreements with South America and South East Asia.

This change in attitude was apparent from the mid-1990s, epitomised by the EU’s dealings with the newly democratised South Africa. The FTA negotiations between South Africa and the EU in the latter part of the 1990s provided observers with an indication of the Europe’s vision of a post-Lomé agreement. From the outset it was made plain to the South African Government that any agreement would have to conform to WTO guidelines, with the result that the South African delegation was confined to negotiating within very narrow parameters (Gibb 2002, p. 120). It took two years of often acrimonious talks before an agreement was reached.

Yet, despite the shift away from non-reciprocal exchange, the EU has been most anxious to ‘talk up’ the Cotonou Agreement in an effort to portray itself as the guardian of the poor and the marginalised. Poul Nielson (2000), the then European Commissioner for Development and Humanitarian Aid, stated that the partnership would:

> give a new momentum to the relationship between the ACP States and the European Union. It represents an important component of international efforts aimed at promoting sustainable development and reducing poverty … It has been achieved thanks to a shared political willingness to give an ambitious response to these problems, building on the acquis of twenty-five years of cooperation under the Lomé Conventions.

Notwithstanding the unequal balance of power between the EU and the ACP countries by the late 1990s, the idea of ‘partnership’ features strongly in the agreement. The term ‘partnership’ appears 52 times within the text of the Cotonou Agreement and a further nine times in the annexes (Raffer 2001, p. 3). The reality of the situation, however, is that despite their misgivings, the ACP countries have had Cotonou thrust upon them.

The Post-Lomé Partnership

As stated, and in line with the general development consensus, there has been a noticeable shift in the language and framing of EU development policy over the past 20 years, the emphasis being placed squarely upon ‘people-orientated’, ‘pro-poor’ policies rather than economic goals and targets. The Treaty on European Union
TEU), signed in 1992, forms the basis for the current approach to development issues, with Article 130u stating that members ‘shall foster the sustainable economic and social development of the developing countries, and more particularly the most disadvantaged among them’. Based on Article 130u, the European Commission (2000, p. 5) has highlighted four key objectives where its development policy is concerned: reducing poverty; supporting economic growth by virtue of enhancing competitiveness in the rural sector; promoting good governance, democracy and human rights; improving environmental and institutional sustainability.

A further dimension has been added to EU policies through the adoption of the United Nations Millennium Declaration, unveiled in September 2000, which sets out targets for reducing poverty, gender inequality and environmental degradation. These objectives, together with other previously agreed upon International Development Goals, were subsequently amalgamated by the United Nations General Assembly in order to articulate eight ‘Millennium Development Goals’ (MDGs). These targets now dictate the direction of EU development funding and it is against these MDGs that the success of EU policies must be judged (Cotonou Partnership Agreement 2000, Preamble). The Treaty of Nice (2003, Articles 177, 178, 180) demonstrates how the core elements have been incorporated into the EU agenda. Sustainable development and poverty eradication are thus firmly entrenched in the Treaties that constitute the legal basis for the EU. The objectives set out in the MDGs are most specific, and, if EU development policy is to be effective in aiding the realisation of these targets, then funding to developing countries must be carefully targeted so as to produce optimal returns.

While WTO rules do not allow for non-reciprocal agreements, they do allow for Economic Partnership Agreements (EPAs): agreements between economic blocs. It is for this reason that the EU chose to build the post-Lomé strategy on regionalism. Article 35 of the Cotonou Agreement stresses that ‘economic and trade cooperation shall be built on regional integration initiatives of ACP states, bearing in mind that regional integration is a key instrument for the integration of ACP countries into the world economy’. The proponents of increased cooperation maintain that, in addition to attracting additional investment, regional integration will provide the ACP countries with economies of scale and increased competitiveness. Furthermore, regional integration is seen as an aid to overcoming the problems associated with being a small or landlocked state.

However, the Cotonou strategy represents a major departure from the Lomé regime and many ACP states felt, and continue to feel, that the timetable for ending non-reciprocal trade links was rushed and would damage their economies. Consequently, at the outset of negotiations, the ACP countries campaigned vigorously for an extension to the WTO waiver relating to Lomé preferences. This extension was eventually secured, facilitating the gradual implementation of the Cotonou Agreement over a period of eight years, expiring on 31 December 2007. This waiver was secured in order to allow ACP countries a certain degree of ‘breathing room’ in order to prepare their economies for the loss of tariff revenues and other duties brought about by their accession to the new agreement.

There were, and remain, certain difficulties associated with the regional strategy put forward by the EU. Whilst, historically, there has been no shortage of regional groupings involving ACP members, by 2000 very few were in any sense ‘advanced’. When the history of regionalism amongst the ACP states is assessed, the problems
inherent in a regionally-based development strategy become immediately apparent. Of the 53 countries in Africa, only six are members of just one regional organisation. Of the remainder, 26 states are members of two groupings, 20 simultaneously belong to three, whilst the Democratic Republic of Congo is a member of four. Regional integration in the groupings mentioned was, and remains, limited.

Despite this limited progress in regional integration initiatives, the timetable set demanded that negotiations for the creation of EU–ACP EPAs, begun in 2002, be completed by 1 January 2008, when the Doha-sanctioned waiver for the Lomé preferences expired. An additional complication for the ACP countries during this negotiation period was that the ongoing WTO Doha Round negotiations were running parallel to the EPA talks. These parallel negotiations were problematic since, if the new EU–ACP EPAs are to be WTO-compliant, talks should arguably have been suspended until the new WTO rules were clarified. The Doha Round, originally timetabled for completion by January 2005, is well behind schedule. The failure of the Geneva Summit in July 2008 means that an agreement remains as elusive as ever. This may have ramifications for any EU–ACP FTAs, given that paragraphs 28–29 of the Doha Ministerial Declaration, which relate to regional trading blocs, are points that still require clarification.

There are also problems relating to funding. For the sake of comparison, it is useful to note the costs involved in the incorporation by the EU of the 12 2004 accession states. The cost of integrating these new members will be an estimated €40 billion ($52 billion) (Gunessee 2002, p. 11). While the EU has contributed significant funds to the ACP countries for regional initiatives in the past, this funding is far less than the money on offer to the new EU members. Similarly, EU compensatory adjustment costs for its 21 Overseas Countries and Territories (OCTs) proportionately far outstrips that earmarked for the ACP bloc. Although little acknowledged by the EU, the adjustment costs associated with the proposed EPAs are significant (Goodison 2007b, p. 257). They relate to the loss of tariff revenues, restructuring of domestic sectors, the development of the institutional capacity with which to deal with Sanitary and Phytosanitary (SPS) measures and the harmonisation of policies with neighbours, to highlight but a few. The Commonwealth Secretariat has estimated that adjustment costs will represent a minimum €9 billion ($11.7 billion) cost to the ACP as a whole (Bilal and Rampa, 2006). To put this figure into context, during the period 2001–04 the EU offered the ACP countries €300 million ($390 million) in trade-related assistance (Bilal et al. 2006). The ACP countries have requested that the EU establish an adjustment fund in order to facilitate the transition to the new regime. However, the EU has stated that any adjustment costs will be covered by the 10th EDF which came into effect in 2008 and has a commitment of €22.7 billion ($29.51 billion) (European Commission 2006). There is little ‘new money’ in this aid budget and the fear is that, as a result, these adjustment costs will have to be met at the expense of other sectors such as health or education, a point acknowledged by the European Parliament (2008, pp. 14–15). In a report by the Parliament’s Committee on Development, it is argued that ‘trade-related assistance will not cover any loss in customs duties or additional support for economic adjustment, which should come from other sources’.

**ACP Unity and the ‘Problem’ of LDCs**

Worryingly for the ACP bloc, unlike the situation in 1975 with the signing of the Georgetown Agreement, obstacles to unity now abound. The Cotonou Agreement makes special concessions for Least Developed Countries (LDCs), thereby creating a
two-tiered ACP group. Classification is important as, under the new agreement, LDCs are entitled to continued, non-reciprocal privileged access to EU markets – an arrangement sanctioned by the WTO and not necessitating a waiver. Article 85 of the Agreement states that:

The Least Developed ACP states shall be accorded special treatment in order to enable them to overcome the serious economic and social difficulties hindering their development so as to step up their respective rates of development.

To facilitate this development, ACP LDCs are currently party to the ‘Everything But Arms’ (EBA) initiative, which allows for tariff-free access to EU markets for practically all LDC goods. As a result of EBA, the EU will eliminate 919 tariff lines on LDC goods by 2009, with only 25 lines relating to the arms trade remaining. Tariff lines on sugar, rice and bananas were targeted to be removed gradually in order to stagger the flow of these commodities into the EU. However, EBA creates certain problems for regional groups, with LDCs, under the terms of the Cotonou Agreement, having no real incentive to join the proposed Economic Partnership Agreements. The EBA initiative allows LDCs tariff-free access to EU markets without the need for reciprocity. By joining a regional group and negotiating an Economic Partnership Agreement with the EU, LDCs stand to lose any tariff-derived income, with little chance of offsetting these losses. Concern was raised that if LDCs prove reluctant to join regional EPAs, it could undermine the viability of a number of regional bodies, especially in Africa, which has, in turn, proved to be the case (discussed below). That being said, EBA is not enshrined in treaty form and could, theoretically, be withdrawn by the EU at any time.

The SA–EU FTA: Bullying Tactics

The negotiations that led to the South Africa–EU free trade area raised a number of issues for the ACP countries. As mentioned above, these negotiations were prolonged and often acrimonious. The result was a lingering suspicion that the EU was not above bullying weaker countries into accepting its policies. Negotiations between South Africa and the EU for a Trade, Development and Cooperation Agreement (TDCA) were initiated in June 1995 and concluded in March 1999. The TDCA, which sets out the creation of a FTA and also outlines future EU financial assistance to South Africa in the form of the European Programme for Reconstruction and Development (EPRD), was only concluded after 24 rounds of formal talks as well as numerous informal sessions.

The final agreement was a far cry from that which the post-apartheid South African government had originally envisaged, centred as this had been on South Africa becoming a member of the ACP bloc and acceding to the Lomé Convention. The EU denied this request on the grounds that it viewed South Africa as a developed country and that such a step would not be WTO-compatible. Furthermore, it soon became evident that the EU wished to use any agreement with South Africa as the basis for future agreements with other ACP countries (Lee 2002, p. 86). It was argued that, as a developed country, for South Africa to have improved access to EU markets would necessitate the creation of a free trade area (FTA). Concerned about the prospect of a FTA, the South African government rejected the EU’s proposals. As a result, negotiations broke down and were only resumed in January 1997. In April 1997, as a concession, South Africa was allowed to accede to Lomé, although
not as a full member. This step paved the way for further negotiations and consequently, by October 1999, the TDCA had been signed by both parties. Yet a number of problems remained unresolved. Wine and spirits became the focal point of sometimes bitter talks. A number of EU member states objected to South Africa making use of the terms ‘port’ and ‘sherry’, claiming that this practice would undermine European producers. Further objections were raised against the use of ‘ruby’, ‘ouzo’, ‘grappa’ and ‘grand cru’. After a tele-conference in June 2000, it was believed that an agreement had been reached. However, on perusal of the proffered EU text, South African negotiators argued that the EU had attempted to ‘slip’ new clauses into the agreement and on this basis refused to sign it. Commissioner Franz Fischler urged South Africa to sign the agreement and to negotiate changes once the agreement had come into force. A statement by the South African Department of Trade and Industry highlighted the growing tensions:

The changes made by the EU after the 9th June are not acceptable to us as they are matters of substance and cannot be resolved technically at a later stage. Once again the EU seeks to reduce South Africa’s multilateral rights and extend the names it wishes to protect . . . This is unfortunate and it is sad that we repeat again the pressure negotiating tactics [sic].

(Cited in Action for Southern Africa 2002)

A compromise on the matter was eventually reached towards the end of 2001, when the EU agreed to increase South Africa’s duty-free quota for wine and spirits from 32 million litres to 42 million litres per annum in return for South Africa refraining from the use of the contested descriptions (Action for Southern Africa 2001).

To many developing countries, these negotiations fostered the perception that the EU was not prepared to provide poorer countries with meaningful concessions. This sense was further underlined by EU demands that European fishing interests be allowed access to South African waters – a demand largely viewed by the South African delegation as unreasonable. The often adversarial nature of the EU–South African negotiations has been interpreted by many ACP countries as being an indication of the EU’s unwillingness to be flexible when considering development policy. The negative perception engendered by the EU–SA negotiations has prevailed and has, to an extent, poisoned the atmosphere surrounding the talks (Griffith and Powell 2007). The overall result was a marked lack of enthusiasm for Cotonou amongst the ACP countries, with a Ghanaian trade official declaring somewhat morosely that ‘we will not survive in this game’ (EPA2007.org).

Furthermore, the EU’s decision to treat South Africa as a ‘special case’ has had ramifications felt far beyond its borders. Southern African regionalism has suffered more than as a result of the EU’s determination to forge a post-Lomé settlement. While regional development in the region was by no means coherent or straightforward, certain groupings such as the Southern African Customs Union (SACU), operated efficiently and to the benefit of all its members prior to the signing of the TDCA in 1999. This is not to argue that there existed a strong sense of regional identity – as stated, southern Africa, prior to the EPA negotiations, was home to regional groupings other than SACU. However, by forcing a bilateral free trade agreement on South Africa, the EU effectively undermined the foundations of SACU, making the BLNS³ states de facto partners in the new agreement without consultation, compensation or their consent. Similarly, by in effect removing South Africa from the regional equation, the EU has left southern Africa bereft of an economic growth pole to drive forward integration. The result has been that, with SADC in particular, regional integration
in the sub-continent has floundered. The ongoing EPA talks have only served to exacerbate this trend, a point acknowledged by the European Parliament (2008, p. 13): ‘the Commission’s switch from a regional to a double approach, to both regional and national negotiations, was not helpful to stimulate regional integration’.

**Between Cotonou and EPA**

The 31 December 2007 deadline for the signing of EPAs came and went with relatively little comment in the media despite the seismic shift it represented in terms of EU–ACP relations. The EU steadfastly refused to bow to pressure from its ACP partners to extend the deadline for negotiations or to consider alternative scenarios to EPAs, essentially presenting the majority of ACP states with a ‘take it or leave it’ ultimatum. Then EU Trade Commissioner, Peter Mandelson, stressed that ‘the deadline is not a bluff or some negotiating tactic invented in Brussels’ (2007a) and that the EU intended to meet the 2008 deadline. Speaking in November 2007, he stated that part of the reticence on the part of certain ACP states was that they ‘had been misled by the claims of some that politically easier alternatives – extensions to Cotonou, seeking another waiver, the availability of GSP+ – are achievable’ and that they believed that ‘the EU was holding something back, and if only they held out long enough against change, some way to preserve the status quo would be found’ (Mandelson 2007c).

Yet the ACP countries were promised alternative scenarios. The Cotonu Agreement makes clear, in Articles 37.5 and 37.6, that EPAs will only be negotiated with ACP countries which ‘consider themselves in a position to do so’ and that the EU would commit itself to examine ‘all alternative possibilities’. ACP countries thus had every right, in the build-up to the 31 December 2007 deadline, to complain that the EU was acting in bad faith.

Ultimately, only the Caribbean Region signed a full EPA with the EU. A further 20 countries agreed to ‘interim’ EPAs whilst 43 countries decided, for a variety of reasons, not to sign up to any agreement at all. However, the consequences of not signing up to an EPA did not affect all ACP countries equally; for LDCs there was little threat of sanction as their access to EU markets was already secured through the ‘Everything But Arms’ initiative. The result was that the majority of LDCs, especially in Africa, chose not to sign. For non-LDCs, the decision not to sign means that they become subject to the basic Generalised System of Preferences (GSP) regime applicable to all third countries.

Now that the dust has settled somewhat, it remains to assess the probable ramifications of the 31 December 2007 deadline. Proponents of the Cotonou agreement stressed the positive aspects of its regional focus. Yet there is precious little evidence to suggest that regional unity has been advanced by the process. With the exception of the Caribbean configuration, the EPA negotiations have arguably set back attempts at regionalism amongst the ACP countries, particularly in Africa where existing structures have been seriously undermined. In the Pacific, Papua New Guinea and Fiji have signed interim EPAs; the remaining PACP members have not. The Eastern and Southern African (ESA) configuration has splintered into two groups, while in West and Central Africa no agreement could be reached. However, individual countries such as Cameroon, Ghana and Côte d’Ivoire opted to sign interim EPAs with the EU, abandoning their regional partners. Nigeria, Gabon and the Republic of Congo have, for the moment, opted out of the process altogether. In southern Africa, the SADC EPA group has been reduced to just five countries (out of a membership of 14
states). More importantly for the future of the SADC EPA, South Africa, the regional hegemony, has elected not to sign the interim agreement (ECDPM 2008, pp. 3–4).

The result is that the ACP bloc has disintegrated and, moreover, there is little to suggest any remnants of a ‘special relationship’. Despite arguments by Development Commissioner Louis Michel (interview in Trade Negotiation Insights 2008) to the contrary, many ACP countries felt bullied by the Commission in the build-up to December 2007. A declaration by the ACP Council of Ministers (2007) emphasised that members deplored ‘the enormous pressure that has been brought to bear on the ACP States by the European Commission, contrary to the spirit of the ACP-EU partnership’. In the declaration, ministers ‘underlined the importance of regional markets and stressed that any arrangements that undermine ongoing ACP regional integration processes must be avoided. In this regard, [ministers] emphasised the need to prioritise regional integration processes within the ACP, over the free trade with the European Union’. Similarly, African Trade Ministers, meeting in Addis Ababa, urged the Commission to note ‘that the level of preparedness to conclude Economic Partnership Agreements is inadequate’ and requested that ‘in the spirit of partnership’ the EU ‘show flexibility’ (African Trade Ministers 2007). That such ‘flexibility’ was not forthcoming was a source of considerable disquiet in countries such as Senegal.

Conclusion

The final months of 2007 witnessed the unravelling of the ACP as a bloc and the near-collapse of a ‘unique relationship’ stretching back to the early days of the European Union. The ‘special relationship’ between the EU and the ACP, although still trumpeted by the EU, has slowly eroded over the past three decades. In its initial incarnation, Lome´ offered developing countries unprecedented access to developed country markets. However, this special relationship has been curtailed for a number of reasons: the rise of neoliberalism, the end of the Cold War, the evolution of the international trading regime and the rise of the EU as a genuinely international actor. The consequence of these factors for the ACP countries is that EU relations with the bloc have become ‘normalised’. There is an increasing sense that the ACP countries are no longer ‘special’, but are now simply one trading bloc amongst many. In an arena where the ‘voice’ of poorer countries is becoming increasingly diffused, the crumbling of ACP solidarity can only exacerbate the ongoing drift of many developing countries to the margins of the global economy.

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Endnotes

1. The European Unit of Account (EUA), introduced to calculate balances in the European Payments Union (later the Organisation of Economic Cooperation and Development) in 1950 and pegged at the level of the Dollar, was the forerunner of the European Currency Unit (ECU), itself a forerunner of the Euro.

2. STABEX was introduced as part of the Lome´ I regime and involved compensation for ACP member states if agricultural commodity prices fell below expected levels. SYSMIN, introduced after negotiations leading to Lome´ II, performed a similar function for countries exporting minerals. Both these programmes were funded by the European Development Fund. See Jan Orbie’s (2007) article in ROAPE 112 for a detailed discussion of the EU’s approach to trading commodities with ACP members.

4. Peter Mandelson (2007b) was interviewed by Sarah Montague and Simon Jack on BBC Radio 4 on 31 October 2007 and also contributed, with fellow Commissioner Louis Michel, a piece to the Guardian’s (31 October 2007) ‘Comment’ forum entitled ‘This is not a Poker Game: Critics of the EU’s Trade Agreements are Gambling with Livelihoods in the Developing World’.

References


The Student-Intelligentsia in sub-Saharan Africa: Structural Adjustment, Activism and Transformation

Leo Zeilig

University students acquired a politically privileged status in much of sub-Saharan Africa; this was connected to the role the student-intelligentsia played in the struggles for independence. After independence, student activism became an important feature of the new states. However, higher education on the continent came under sustained attack in the 1980s and 1990s, with the policies of the IMF and World Bank reversing the generous funding national universities had received. This cast student activists into a world transformed by political and economic forces, contested in waves of popular protest. While students in many cases maintained their status as politically privileged actors, they now did so in countries where there had been a convergence of popular classes. This article charts some of these developments, and argues that the student-intelligentsia has played a diverse and contradictory role in the recent political and economic upheavals on the continent.

Introduction

On 29 September 1988, University of Zimbabwe students marched through central Harare. There were more than 500 demonstrators. They carried a banner that read ‘Revolutionary Intellectuals’. They were protesting against government corruption in defence of Robert Mugabe’s apparent drive to return the ruling party to the Leadership Code. But the students received a rude awakening when Mugabe, the father of liberation, publicly chastised them for criticising the government. From this moment students became intransigent opponents of the regime that had only come to power eight years before.

However, Zimbabwean university students continued to understand their activism as the ‘voice of the voiceless’, the slogan of their movement. As enlightened intellectuals students were society’s overseers. After independence university students across the continent defended the new post-colonial world (and elite) and then, when they awoke to the reality of independence, they campaigned for new liberations. Students inherited the role of privileged political actors from national liberation movements in Africa. These struggles had been led by an older generation of the student-intelligentsia. The student-intelligentsia became the professional revolutionary elite. This group played the leading role in national independence and was able to pose as the radical
arbiters of the nation against sectional interests. This mantle of (‘revolutionary’) nationalist struggle was the political legacy of university students after independence. Students accepted and subverted their inheritance.

During the period following independence university students were a transitory social group, who held well-founded expectations of rewarding and high status employment after graduation. The 1970s began to erode many of these assurances as countries that had attempted to implement state-led development faced international recession, internal corruption and decay. By the late 1970s state funding of higher education was targeted for restructuring. Student activism was affected: while students clung onto a self-conscious elitism, the reality of student poverty and the financial crises of African universities transformed their activism (Bathily et al. 1995). However, these processes were inherently contradictory. As well as seeing their status as a privileged group collapse, there was an unprecedented ‘convergence of forces’ (Kagoro, interview 23 June 2003) between students and the popular classes (Seddon 2002). The ivory tower had been turned inside out by the austerity imposed by structural adjustment and national governments. This convergence was expressed in the waves of resistance from the mid-1970s and later the ‘democratic transitions’ that swept the continent from the late 1980s.

This article surveys the role of students, the nature of their protest and their relationship with civil society in the processes that brought about a wave of multi-party elections and democratic struggles in sub-Saharan Africa. The article focuses specifically on the literature that relates to student activism and protest, although it is acknowledged that this activism brings into play many other factors. The context in which students become political actors in contemporary Africa is tied to the transformation of higher education in sub-Saharan Africa, often under the auspices of the IMF and World Bank led reform. These wider macro processes impinge on the ability of students to exercise effective and meaningful political agency.

The next section explores the changing nature of higher education in the political economy of sub-Saharan Africa, focusing on the changed circumstances that student activists have been forced to negotiate in the last 25 years. Subsequent sections discuss both the evolution of student activism, the way it has been characterised in recent commentary and the involvement of students in the ‘convergence of forces’ and the popular protests that were typical of the democratic transitions. The article intentionally presents the broad political and economic changes to higher education in sub-Saharan Africa, and details the role of students in the actual transitions that took place in the 1990s. The history of these transitions must be, in E.P. Thompson’s words, ‘embodied … in a real context’ (Thompson 1991, p. 8).

The Collapse in Higher Education

Universities on the continent are in general crumbling ruins of an earlier and brief period of state development. If there is some dispute about the role of structural adjustment in under-funding higher education across Africa, there is little disagreement on the physical state of tertiary institutions. The material collapse of sub-Saharan African colleges and universities is well documented.

For the majority of public universities, the situation in Nigeria is typical of much of the continent:
In libraries current literatures are hardly available. Yet, many students are too poor to buy books of their own. Water problems, toilet facilities and conveniences are deplorable. There is no regular supply of water. This affects toilets – they are usually locked up. Lecturers and students have to make use of nearby bush. The perennial, epileptic supply of electricity affects courses. Darkness envelops virtually the whole country at night, on a daily basis, with the exception of the few who could afford private electricity generation through generators. (Interview, Femi Aborisade, 3 March 2009)

It is important not to generalise uncritically from Aborisade’s observations, although much of the literature tends to corroborate his observations (Lebeau 1997, Caffentzis 2000). For example Kerr and Mapanje (2002, p. 90) reported that in Malawi the physical decay at the University of Malawi, the poor salaries of staff and declining amenities for students have led to an ‘atmosphere of marginalisation’ that has triggered ‘anti-social behaviour’. The authors note the increase in sexual assaults on female students since 1994.

It is clear that there is a notable similarity in the collapse of sub-Saharan African universities over the last 30 years; countries thousands of miles apart experienced the same deterioration of higher education. Piet Konings (2002, p. 181) wrote about the crisis of the University of Yaounde in Cameroon in the 1990s and how ‘Mockingly, students referred to their university as ‘the bachelors’ cemetery’. Typical of most campuses on the continent, student numbers at the university have mushroomed from approximately 10,000 at the beginning of the 1980s, to more than 42,000 by the mid-1990s. University infrastructure built in the early days of independence for one or two thousand are forced to cope with an explosion of student numbers. Even in Makerere University, regarded as a model for the rest of Africa, half of students questioned in a survey failed to attend lectures because there were not enough seats (Musisi and Nansozi 2003, p. 43).

A similar story can be told of Kenya’s university system. Although Maurice Amutabi (2002) tends to romanticise student activism, his descriptions of conditions in Kenya’s universities is convincing:

> The lecture theatres and libraries are not only congested but also run down. The hostels have become overcrowded, sanitary conditions have worsened, and food quality has deteriorated. University buildings are dilapidated, making the university conditions not different from any slum or poor neighbourhood in Kenya. (Amutabi, 2002, p. 163)

Amutabi goes on to make an important argument, one that this article will consider in detail – he argued that the extreme poverty of campus life in Kenyan society has transformed students today into the ‘bedfellows’ with the wider poor of Kenyan society. They are no longer a privileged layer.

Commentators of the university crisis point to the pivotal role played by structural adjustment programmes (SAPs) in promoting the withdrawal of state funds from tertiary education (Alidou et al. 2000, Konings 2002). These policies, often sponsored by the World Bank, pushed for the persistent deprioritisation of higher education in Africa. Governments reversed years of relatively generous funding to universities and as a corollary of these reforms, instigated fees, levies and loans on students.
Neoliberal Reform and Higher Education in Africa

For more than a decade from the early 1980s the World Bank developed its thinking about the tertiary education reform on the continent. Each study championed the reversal of state funding to universities, which became fashionably regarded as over-generous, wasteful and bloated. The first most important study was the ‘Berg Report’, *Accelerated Development in Sub-Saharan Africa*, published in 1981. The report spoke in general about development, advocating serious deregulation. Part of the study also focused specifically on education and similarly promoted systematic reorganisation. Although heavily criticised (Sandbrook 1993, Diouf and Mamdani 1994), the approach advocated in the report helped to fix the agenda and approach of donor agencies to education in Africa, diagnosing the problem as one of simple over-funding:

Expenditure on schooling already claims a large part of GDP – around four per cent in two thirds of the countries for which data are available. And, more important, they claim a sizeable share of public expenditure – about 16 per cent of the total, on average, more than any other government function except general administration. In a significant number of African countries, recurrent expenditure on education is between 25 and 35 per cent of total recurrent spending. In the 1970s, when government revenues rose rapidly in most of the continent, the average African country’s incremental share going to education was 13 per cent – again larger than any other single item except general administration. (World Bank 1981, pp. 81–82)

The logic of the report was implacable. The report based its recommendations on ‘cost-analysis’; primary education had to be prioritised at the expense of the university system. The calculation was made clear:

Given Africa’s extreme shortage of fiscal resources and the many claims on revenue, all educational strategies must have a key objective of greater efficiency in resource use. African education is expensive not only in the sense that it absorbs a significant share of public sector resources; it is expensive also in terms of average cost per pupil, especially at the higher level. African governments spend as much per university student as countries with per capita incomes at least three times and as much as eight times higher. By contrast primary education is cheap in comparison with industrialised countries. Primary education costs per student year as a per cent of per capita GNP in Africa are about as much as in other developing areas; secondary education costs are four to five times as much and higher education costs five to ten times as much. (World Bank 1981, p. 82)

Further reports emerged during the decade, some criticising the apparent extremism of Berg. A World Bank study (1989) admitted that budgetary constraints and its own recommendations had prompted a general fall in primary and post-secondary education. ‘Robbing Paul to pay Peter’ had not exactly worked. To some extent retreating from earlier policy prescriptions the 1989 report recognised the need to fund and improve human resources (Sandbrook 1993, pp. 83–84). But the effects of these reforms had already seen a decline in salaries and falling standards at universities. Now there were serious shortages of doctors, managers, accountants and economists. As Sandbrook (1993, p. 43) argued:

*A widespread decline in the quality of secondary and university education in the 1980s aggravated the problem of finding qualified staff. Economic crisis and budget cutbacks have deprived educational institutions of the resources they require.*
Even if there was a modest retreat from an earlier fundamentalism, damage had already been done. The World Bank even mooted the relevance of the continued existence of universities in Africa (Iman and Mama 1994, p. 73). The argument that runs through the reports is that the ‘reprioritisation’ of education will ensure that African countries see a more equal distribution of resources across the education sector. Critics at the time of the reforms cite the fact that after five years of SAPs, social spending in sub-Saharan African countries had declined by 26 per cent (between 1980 to 1986). Governments already facing financial crisis were pressurised to cut subsides to secondary and tertiary level students. The World Bank responded by claiming that they intended to reorganise funding for education because for too long governments had regarded universities as ‘sacred cows’, when in reality they were over-funded and inefficient (see Caffentzis 2000).

Some contest the universal collapse of higher education in Africa. There is one university on the continent that is frequently touted by the World Bank as a successful example of reform. Makerere University (Musisi and Nansozi 2003), they argue, succeeded in escaping the crisis in higher education. Apparently the university has succeeded in regaining its former status as a premier tertiary institution in east Africa. According the World Bank, the university managed to increase the enrolment of students and the numbers of students paying fees. By the end of the 1990s, approximately 70 per cent of students were contributing towards fees and 30 per cent of funding was raised by the university (World Bank, 2000, pp. 54–55).

The World Bank envisaged the total transformation of the university system in Africa: from the reforms aimed at creating ‘centres of excellence’ for a smaller number of students of ‘high quality’, to a system of ‘on-the-job’ training which envisaged private sector co-funding where ‘worker-students’ would receive training and lower wages. In Senegal, Dakar has returned to being the educational focal point for the sub-region, with students making pilgrimages to a pedagogical world almost entirely privatised. The city has been turned into a training centre; according to a pamphlet advertising Enseignement supérieur, there are now 80 public and private establishments, almost all based in the capital Dakar and offering an array of internationally recognised degrees, certificates and diplomas. Most of these schools, colleges and universities are private (65 are private and 15 public), and the majority of their students come from elsewhere in West Africa. The massive expansion in private colleges is connected to the liberalisation of higher education in Senegal since 1994 (Étudier au Sénégal 2003, p. 4).

Reform Failure

Rather than blossoming through the reform process, higher education struggles to survive. The rationalisation of tertiary education advocated by the World Bank has left universities in desperation. Even if student numbers have swollen, as they have done in most institutions, the continent still has the lowest re-enrolment rates for higher education of any region in the world.

Today the World Bank continues to advocate a system of loans and fees, introduced almost without exception across Africa. Consequently, there needs to be a pool of students who are able to take up and pay the loans. This is contingent on two factors: real wages that can sustain a system of loans and fees, and employment for students after graduation to ensure the repayment of these loans (White House 2002). There is an
additional problem connected to the relationship between primary and tertiary education. If the World Bank is motivated by a desire to expand primary education, then by necessity it requires a complementary expansion of teaching graduates from universities. To do this, Caffentzis (2002, p. 11) argues that the yearly influx from tertiary education must increase by 10 per cent a year, but an enrolment growth rate of 1 per cent cannot keep up with the stated demands of expanding primary education and the World Bank is ‘subverting its own alleged objective: the expansion and improvement of primary education.

The report *Higher Education and Developing Countries: Peril and Promise* (2000), funded by the World Bank, includes an important criticism of the approach previously taken by the Bank:

> Since the 1980s, many national governments and international donors have assigned higher education a relatively low priority. Narrow – and, in our view, misleading – economic analysis has contributed to the view that public investment in universities and colleges brings meagre returns compared to investment in primary and secondary schools, and that higher education magnifies income inequality. (World Bank 2000, p. 10)

The report notes that although 85 per cent of the world’s population live in the Third World, less than half of the world’s 80 million students in higher education are from these areas. The report stresses the problems for students in the Third World:

> they are taught by poorly-qualified, poorly-motivated and (no surprise) poorly-compensated faculty, struggling with inadequate facilities and outmoded curricula. The secondary education system has often failed to prepare these students adequately for advanced study – and, once on campus, political activism, violence, cheating, corruption and discrimination can undermine their progress. (Bloom 2001)

These are not reasons to undermine higher education but, on the contrary:

> We have educated more and more young people to primary and secondary level – but, like Oliver Twist, they want more! They realise something that even the richest governments are only beginning to wake up to: in today’s world, higher education is basic education. Education that is needed by the masses – and can no longer be confined to a tiny elite. (Bloom 2001)

In the report, the university sector is regarded as a system to both generate national elites, to respond to the ‘challenges’ of globalisation and ‘to promote prosperity among people with talent and motivation, irrespective of their social origins’ (Bloom 2001). However, there are few signs that the WB or IMF have accepted these criticisms, or that after almost 30 years they can see the importance of higher education in Africa (Pithouse 2006).

**Student Corporatism and New Struggles?**

Two principle strands can be discerned in the recent commentary on student activism on the continent. One position argues radically that student protests on the continent represent a pan-African movement of unparalleled resistance and intransigence. This position has been made forcefully in the American newsletter of the Committee for Academic Freedom in Africa (CAFA), which has recently been suspended. These
arguments are also made in the collection produced by the leading members of CAFA: 
A Thousand Flowers: Social Struggles Against Structural Adjustment in African Universities:

Although the state is the immediate perpetrator, the ultimate responsibility for many violations of academic rights on the African campuses is borne by international financial institutions and more specifically, by the policy of ‘adjustment’ adopted by Washington and the European Union in the 1980s, that calls for the virtual recolonisation of Africa’s educational systems. (Alidou et al. 2000, p. xiii)

For a number of years, CAFA produced a consistent and determined critique of World Bank and IMF policies on the continent, but the from the perspective of popular and frequently student-led resistance (see, for example, CAFA 1991, 1996).

For some time the role of the African university was the formation of elites, but this has been severely undermined by the collapse in state funding. Many have written about this process. Piet Koning (2002) makes a similar point to CAFA with regard to the student rebellions in the late 1980s and early 1990s:

As a result of such state withdrawal, African universities no longer appeared to be serving as centres of elite formation . . . Little wonder that they have been inclined to see corrupt and authoritarian regimes as responsible for their predicament and to perceive a ‘democratic transition’ as a necessary condition for change in society in general and in universities in particular. (pp. 180–181)

The process discussed by CAFA has been explained as the ‘convergence of forces’ (Kagoro 2003), merging formerly privileged layers of students with the urban poor. A former student activist at the University of Zimbabwe in Harare, Brian Kagoro makes these arguments with reference to the privatisation and under-funding of tertiary education in Zimbabwe. Students on diminishing stipends started to support their parents because the latter had been made redundant under the impact of the first and second structural adjustment programmes:

So in a sense as poverty increases you have a reconvergence of these forces. And the critique started . . . around issues of social economic justice, [the] right to a living wage . . . students started couching their demands around a right to livelihood. (Interview, 23 June 2003)

Other writers have analysed this convergence of forces. For example, Graham Harrison (2002, p. 114) has noted: ‘One can see the decline of corporatism and the increasing informalisation of the urban economy [as] . . . the reformulation of . . . political identities into a realm of fiscal austerity and speculation’. The ‘hybridisation’ of these social forces bringing together motley groups, has altered the mobilisation and activism of students.

In contrast, Bathily et al. (1995) wrote a pioneering essay on student activism in Senegal that contains wider arguments that are important to this article. They argue that a clear distinction can be made between the highpoint of activism in the 1960s and 1970s and the narrow ‘bread and butter fights’ waged by students today. So far from being a pan-African movement of university resistance, as CAFA and others would claim, students are ‘left with their daily corporatism and the inefficiency of their fights’ (Bathily et al. 1995, p. 401). In the heady days after independence, students were the voice of political alternatives and futures: ‘If prior to World War II students tacitly accepted being petty bourgeois with colonial linkages . . . [subsequently and] up to the mid-1970s they
claimed a left vanguard status’ (Bathily et al. 1995, p. 401). The respected scholar Donal Cruise O’Brien makes a similar point about student protests in defence of their ‘elite status’: ‘Students will riot for their privileges too . . . defending their ‘right’ to better scholarship’ (Cruise O’Brien 1996, p. 65).

If these arguments avoid the perhaps exaggerated romanticism of student militancy, they fail to see the originality of the new waves, from the 1980s, of student and popular protests in Africa. In the words of Alidou et al. (2008, p. 65), a shifting political economy that has seen the re-composition of the ‘African ‘proletariat’ unprecedented since independence’.

However, there might be a danger of underestimating the peculiarities and weaknesses of student action in recent years. Caffentzis, Federici and Alidou have played a vital role in celebrating student action, stating that:

*when not shut down, [campuses] were turning into battlefields . . . students were among the first main opponents of structural adjustment and the dismantling of public education demanded by the World Bank. Demonstrations, strikes, blockades, confrontations with police and army forces invading the campuses, quickly became part of the campus experience in every African country. (2000, p. 63).*

But what of the depoliticisation, cooption and corruption of student activists? Today, students are forced to negotiate social breakdown, economic stagnation, ideological confusion and mass unemployment. These factors have created complex forms of activism, where students continue to display both their celebrated vanguardism (Chouli 2009) and new forms of protests (Zeilig and Dawson 2008).

**Transitions, Social Movements and Students**

Perhaps it is advisable to express a certain caution about the connection that is often (and lazily) made between events in Africa and Eastern Europe in the early 1990s. Boren (2001) makes the common assumption that the events in Africa in the early 1990s were a direct corollary of the revolutions that swept aside the Stalinist regimes in Eastern Europe. This idea received some support from incumbent regimes conscious of the events in Europe. Ali Mazrui (1994, p. 172) has questioned these assumptions: ‘we cannot trace all democratic forces in Africa to the ... impact of Eastern Europe’. Mazrui states that the origins of these movements can be properly traced back to earlier acts of democratic struggle, long predating the upheavals in Eastern Europe. Mazrui (1994, p. 172) continues to press his point: ‘What should be borne in mind is that the role model for Africa has not been necessarily the impact of demonstrations across the Berlin Wall. It has been youthful riots against armed apartheid’. Although the influence of pan-African struggles has an important impact on the mobilisation of student and trade union militants, it was the shared nature of the economic crisis gripping Africa that brought these movements together (Saul 2001).

The period of political transition started in 1989 in Bénin. Students began to protest, insisting on the payment of grants and formal employment on graduation. A prolonged period of political transition was launched (Jeune Afrique 1991). In Zaire, students were the first to respond to Mobutu’s declaration on 24 April 1990 on the legalisation of political parties and democratic opening. Activisms at the University of Kinshasa in Zaire triggered a largely urban-based protest movement that continued,
almost unseating the dictator, until the exhaustion and cooption of the official opposition by the mid-1990s (Martins 2002, Renton et al. 2006). The movement continued, with devastating consequences at the University of Lubumbashi in Katanga (Nkongolo 2000, p. 182). Reports vary, but approximately 100 students were murdered by Mobutu’s ‘Squadron of death’. In many ways the massacre was pivotal to the early stages of the ‘transition’. Several academic accounts question the ‘massacre’, or doubt that it happened at all (Munikengi and Sangol 2004, p. 99). Most ‘observers’ were student eyewitnesses who survived the massacre, and not academic commentators. Even academic ‘observers’ confirm the events recounted by the students themselves (Nzongola-Ntalaja 2002, pp. 155–156). Students suffered the heaviest blows as old regimes hesitantly democratised.

Students at the national university in Harare were the first group to confront the ruling party, particularly over the question of the one-party state. In 1989 the young and audacious new leader of the Zimbabwe Congress of Trade Unions (ZCTU), Morgan Tsvangirai, was imprisoned for opposing the crackdown on activism at the University of Zimbabwe. Students condemned the Investment Code that facilitated foreign investment in Zimbabwe, viewing it ‘as a further entrenchment of capitalism in Zimbabwe... an acquiescence to the IMF and World Bank sponsored programmes... and incompatible with the doctrine of socialism’ (quoted in Tengenende 1994, pp. 389–392). As the struggles against structural adjustment intensified in Zimbabwe in the 1990s, university students and the ZCTU started to work together for the formation of the first nation-wide mass opposition party, the Movement for Democratic Change (Gwisai 2002, Zeilig 2007).

Frequently, the success of these transitions was based in the capacity of a wider configuration of forces to become involved in the democratic struggles. A convergence of forces had broken down the Chinese wall, dividing university students from the wider urban poor, and ensured that these pro-democracy movements were explosive and profound. But paradoxes abound. As wider forces, often trade union-led, participated in the transitions the visibility of student activism declined. Often student movements had no clearly defined strategy on how to enter National Conferences and new political formations (and to maintain a distance and independence from them). The Zimbabwean activist Hopewell Gumbo, reflecting on the experience of the Zimbabwe National Association of Student Unions (ZINASU) in the formation of the opposition Movement for Democratic Change in the late 1990s, explains: ‘Our participation was then limited from being an ideological engine to being foot-soldiers in the emergent party’ (Interview, 28 July 2003). However, when the transitions came (for example, in Zambia, Malawi, Mali and Senegal) or were frustrated (for example, in Zimbabwe, Cameroon and Zaire), vibrant student movements caved in to factionalism and sectarianism (Woudamike 2008).

Identity, Privilege and the Student-Intelligentsia

During the 1980s student activists in Zimbabwe described themselves as ‘revolutionary intellectuals’. One way of understanding this self-identity is in relation to a historically derived status as politically privileged actors, inherited from the student-intelligentsia who played a leading role in national liberation, but also the relative organisational weaknesses of other groups and classes in society. However, in the context of structural adjustment on the continent, do students maintain this position? Has student activism become fragmented and less influential with the privatisation and diversification of
higher education? This question divides much of the research (see Federici 2000, Mario & Fry, 2003). The contemporary activism of students takes place in a highly structured world where students frequently no longer view themselves as a privileged elite, but struggle to survive at university and secure a future in an uncertain post-university job market (Mills 2004, p. 671). However, students have repeatedly and recently demonstrated a capacity to ‘touch off’ (Cefkin 1975, p. 158) wider social protests during the transitions.

The reforms that have impoverished the continent, and pulverised higher education, have not gone unanswered. However, the ideological response of the opposition through the transitions was muted and disorrientated by the collapse of Stalinism. Activists across the continent were left believing that there was no genuine alternative. The triumph of neoliberalism, and Bush senior’s ‘new world order’, was seemingly without response. Student agency was enfeebled at exactly the time when radical ideological alternatives were needed. The language (and organisation) of social transformation had been prematurely buried in the fall of Soviet communism. This crucial lacuna in the capacity of students to exercise meaningful political agency is, to a certain extent and very unevenly, answered in the rise of global resistance (see Amoore 2005, Larmer et al. 2009).

However, currently, there is an important element of this ‘elitism’ that continues to generate student activism today. Students still regard themselves as being privileged in terms of their proximity to a European world, as elusive as this reality really is to them – a world of technology, development and globalisation. It is this contradiction – a heady mix of poverty and elitism – that motivated student activists during the transitions in the 1990s and after (Bianchini and Korbeogo 2009). As the Senegalese student activist Mor Faye described: ‘it is us students who have learnt … at the university. It is us who have learnt what a computer is. Our parents understand that we know things that they don’t understand’. Their parents represent an old world, ‘an African culture, whereas we have a European culture that we have learnt. If we go to them they will accept [what we say]’ (Interview, 5 February 2004). Despite the almost total collapse of their material conditions from the heyday of the 1970s, university students in sub-Saharan Africa have maintained a politically privileged position in society.

However, there are other, perhaps more dramatic, examples of the continued importance of this group in contemporary Africa. One of the secrets of the student-intelligentsia was their capacity to organise in national and international student unions, and politically through access to a conceptual and intellectual world denied to most sections of society. The student milieu generated conditions that were at once internationalist – giving them access to international organisations and funds – while pulling students into ‘hyper-politicised’ spaces, in college and university campuses. Organisations could flourish without the rigid discipline of the workplace or the state-controlled streets. During the last 30 years the student-intelligentsia has been propelled into new roles. Although they are no longer advocates of state capitalist development – that was an elusive goal long before the collapse of the Stalinist regimes in Eastern Europe (Walton and Seddon 1994, Saul 2001) – they have become new political actors in diverse movements and groups across the continent.

The cases of Liberia and Sierra Leone are revealing. Richards (1996) describes an alienated intelligentsia composed of ex-students who made up Sierra Leone’s rebel
armies. One fighter explained: ‘Most of the rebels are students, the majority are students ... These are the reasons they are fighting they say. The government doesn’t give any encouragement to people ... to go to school’ (quoted in Richards 2002, p. 36). In Liberia the same processes have taken place. The wave of resistance to Samuel Doe’s brutal and corrupt regime saw students act as the de facto opposition from 1980 to 1984, when all opposition parties were banned. Students helped to organise Firestone workers when their leaders, together with trade unionists, were viciously repressed. Behind the war and the rebel groups was a student-intelligentsia that had been active in the anti-Doe opposition in the early 1980s. The Liberians United for Reconciliation and Democracy (LURD) were a rebel group that fought Charles Taylor’s government after elections brought him to power in 1997. They had been a faction in Taylor’s original war against Doe. The majority of the rebel leaders were also former student activists who had been involved in the resistance to Doe in the 1980s (Interview, Ezekiel Pajibo, 28 August 2003).

The student-intelligentsia has played numerous roles during the period of state decline and collapse. Perhaps most notably, university students have been active in the resurgence of Islamic fundamentalism. They have been central to the Islamic movements that are now demonised around the world, partly as a result of the collapse in graduate employment and the erosion of the same certainties that undermined the status of students in sub-Saharan Africa. Harman emphasises that it was frequently students who formed the backbone of Islamist movements:

Students, the recent Arab speaking graduates and above all, the unemployed ex-students who formed a bridge to the very large numbers of discontented youth outside colleges who find that they cannot get college places ... And through its influence over a wide layer of students, graduates and the intellectual unemployed, Islamism is able to spread out to dominate the propagation of ideas in the slums and shanty towns as a ‘conservative’ movement. (Harman 1994, pp. 16–17)

It was the control and domination of Islamic ideas on the campuses of Algeria in the 1980s and 1990s that ensured that the Islamists were able to step into the ‘impoverished streets of the cities where students and ex-students mixed with a mass of other people scrabbling for a livelihood’ (Harman 1994, p. 19). The convergence of forces, that was discussed above – between an impoverished student and ex-student body and the ‘mass of other people’ – has manifested itself in a multiplicity of movements.

A student-intelligentsia has played a pivotal role in insurgent movements, as the ideological champions of Islamic reforms and of rebel movements during state collapse. In each case they act as disgruntled victims of the economic and political disintegration going on around them. While students in the Muslim association of Senegalese students (AMEAN) in the 1950s could envisage a radical Islam, and a ‘revivalism’ that was linked to a progressive agenda for radical social change, today the collapse of this agenda has transformed student activists. As Diouf (2002, p. 160) has written about Senegal, rather than being the agents of progressive social transformation, these students see themselves as the custodians of tradition: ‘Certain sections of youth assign themselves the role of guardians of a Muslim morality which justifies punitive expeditions against drugs, drunkenness and thieves’.

Senegalese students have not assumed the ideological mantle of religious change that has characterised North African and Middle Eastern universities, nor have they
spearheaded a Senegalese version of the Islamic revival. They have, however, played a crucial role in the separatist movement in the Casamance (see Foucher 2002). Religious associations have grown substantially out of the economic crisis that has gripped the country. Today there are many active Islamic groups. The country is full of Islamic schools, teaching Arabic, in wealthier suburbs and in poor neighbourhoods, in makeshift wooden huts and any improvised spaces. At the university a number of associations claim to instil the pure tradition of the Prophet Mohammed. However, what is striking about the associations that are active on the campus is their relative invisibility in the political life of the university (Zeilig 2002). What connects most university students across the continent is their economic trajectory; as promises to students were shattered in the economic crisis, they were left without a secular and progressive agenda.

There is a persuasive argument today that in many parts of the world university students can be described as a ‘student mass’ and part of the workers’ movement; not as a separate class, but increasingly bed-fellows in a neoliberal world marked by workplace informality. The convergence of forces described by activists in Zimbabwe, and across the continent, speaks of an integrative process taking place. Although university students in Africa have a particular dynamic of activism connected to their status and the spaces of resistance, their position in society has been transformed (Zeilig and Ansell 2008). If, in the context of deindustrialisation, they do not simply become part of the workers’ movements, they may rally today under the banner of the poor as members of that class and not as its self-appointed voice. But, with the collapse of formal sector employment, the student-intelligentsia may also animate and even lead diverse religious and separatist movements.

Conclusions

Students’ role in neoliberal ‘transitions’ has proven complex because it was inextricably tied to the liberalisation of political space and the manipulations of these processes by incumbent governments and political parties. The ‘success’ of student activism has been linked to the wider social forces that they could help animate and identify with, tied to their ability to ‘converge’ their struggles with broader popular forces. Mamdani (1994) is correct to recognise that when students were effective they succeeded in ‘forcing an opening up’, even if they lacked an alternative strategy: ‘Its possibilities depended far more on the character of forces that student action succeeded in mobilising than its own internal energies’ (Mamdani 1994, p. 259).

Popular mobilisations are a response to widespread disaffection with the policies of austerity and structural adjustment, yet these movements have been responding in new ways. Class structures in sub-Saharan African had been transformed, and resistance did not simply take old forms. The processes of class alignment and resistance brought in new and heterogeneous forces (Harrison 2002, Seddon 2002; see also Seddon and Zeilig 2005). Seddon (2002) defines the role of the ‘popular classes’ in Africa, describing a shifting constellation of political forces that include the unemployed, informal sector traders and trade unionists. This article argues that students and unemployed graduates have also come to form an important part of the popular classes. As Harrison (2002) correctly formulates the issues:

*The salience of youth identities derives from a broader set of changes. Economic crisis has had a direct and negative impact on the postcolonial social political project of modernisation. The
ensuing ruptures of social life have impacted on . . . urban society – notably they are part of the context in which the working class has become fractured and ‘informalised’ . . . But the particular situation of youth, either leaving school to find employment, dignity and independence, or leaving university to join the middle classes, predominately through linkages with the state, gives a peculiarly sharpened twist to the experience of Africa’s recent economic decline. (pp. 119–120)

This ‘informalisation’ or ‘hybridisation’ of the social structure is not the effect of ‘indeterminacy of political identity’ but the product of the political economy in much of Africa (Harrison 2002, p. 113). These circumstances form the inherited structures that contemporary students have been forced to negotiate. The resulting hybridity of social groups in Africa has transformed their activism and identity and affected their ability to exercise political agency. It can be said that students expressed their status as politically privileged actors in diverse forms during the political transitions, yet repeatedly they have sparked wider protests in a period that has seen the convergence of social forces.

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Acknowledgements

This article is part of a larger project, ‘The development of student activism and higher education in sub-Saharan Africa, 1985–2006: cases from Senegal, South Africa, the DRC and Uganda’. This research is being conducted with the support and funding of the Institut Français d’Afrique du Sud (IFAS).

Endnotes

1. A document that emerged after independence committing ZANU-PF to a strict anti-corruption code.

2. Amutabi argues that the student movement managed, almost uniquely, to hold aloft the banner of democratisation.

3. There is much evidence disputing these conclusions (Mamdani 2007).

4. ‘C’est nous [les étudiants] qui avons appris . . . à l’université. C’est nous qui avons compris c’est quoi l’ordinateur. Nos parents là aussi par modestie savent que nous savons quelque chose qu’ils ne comprennent pas’.

5. ‘une culture africaine, [et nous] une culture qui nous vienne de l’Europe qu’on nous a apprise. Nous qui l’avons apprise, si on vient ils vont l’accepter’.

6. The three largest of these associations at the university in 2005 were the Association des Élèves et Etudiants Musulmans du Sénégal (AEEMS) and the Association des Étudiants Musulmans de l’Université de Dakar (AMEUD). Another was established in September 2001, the Mouvement des Élèves et Etudiants de la Jamaatou Ibadou Rahmany (MEEJIR). This structure is attached to a non-student group, the Jamaatou Ibadou Rahmany, the worshippers of God. The largest and most active of these groups, AEEMS, has almost 1000 members and it is well represented at the university and in many schools and colleges in Senegal.

7. Interviews with Muslim activist at the university in May 2001; and also Oumy Ndour January 2001.
8. The increase in private universities has exploited religious cleavages. A number of ‘not-for-profit’ universities cater for particular religious groups, there are two examples from Uganda: the Islamic University in Uganda (IUIU) and the Uganda Martyrs University (UMU).

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Book Reviews

Almost a decade ago this journal published a special issue on drugs and drug ‘control’ in Africa. At the time it was one of the very few general sources on this theme, and soon after one of these – the reports of the Paris OGD (Observatoire Generale de Drogue) – ceased publication. Now we have two books on just one drug, khat (‘miraa’ in Kenya), each copiously referenced and a tribute to the work of younger researchers. Like the special issue, each explores a large range of issues – well expressed in Carrier’s phrase ‘the social life of a stimulant’ – from the pharmacology of the drug itself, through its production, its social, cultural and economic impact, to political and social issues arising from its use. Here we re-enter the area of control and its justification, both in Africa and elsewhere, since khat has become a global commodity, minor, but widespread; a few minutes on the Internet will yield several sites offering bundles of khat, albeit at rather high prices.

The two studies differ in scope and style, Anderson et al. covering the Horn and East Africa from a variety of social science and anthropological perspectives, providing us, in its own words, with the ‘first analytical study of the chain of production, distribution and transnational consumption of khat’. Carrier’s absurdly costly book is almost wholly about Kenya, and at root a piece of cultural ethnography. However, both are part of a larger study, the ESRC funded ‘Cultures of Consumption’ project headed by Prof. Frank Trentmann, and they do integrate neatly. This is just as well, for Carrier’s book is substantially empirical in content, often reading like well-ordered (and entertaining) field notes, and avoiding much analytical digression, even in the introduction and conclusion. The one chapter that does not fit this pattern, on ‘Miraa (khat) and the War on Drugs’, is more of an opinion piece, well founded and argued, but less scholarly in conception. What Carrier does do very well is to flesh out the lines of analysis and argument in the other study, often with vivid and insightful examples. Each study needs the other to work best, as the discussions of the cultural context of khat consumption, and of the role of trust in its trade demonstrate: Carrier’s accounts are essential to grounding and assessing the many references to these themes in Anderson et al.

Khat consists of leafy twigs from bushes and mature trees of Catha edulis, available in a great variety of qualities and styles, and consumed by chewing the leaves, tips and bark of the twig, which releases the alkaloids cathinone and cathine (plus others), promoting euphoria and alertness – and an urge to talk to others. It is used as part of many rituals, to aid and enhance social interaction, to stay awake and alert, or simply to ease physical labour (by, for example, farmers). It occurs wild quite widely, but is cultivated mainly in Ethiopia and Kenya, and consumed mainly by Yemenis, Ethiopians, Somalis, Kenyans and other East Africans,

ISSN 0305-6244 Print, ISSN 1740-1720 Online/09/010139-11
DOI: 10.1080/03056240902886117
both at home and abroad. Somalis are perhaps the best known expatriate consumers, and the focus of much of the less sympathetic literature on khat.

While Carrier concentrates on the Nyambene hills north of Mount Kenya and various subgroups of Meru involved in the world of ‘miraa’, Anderson et al. provide half a dozen area studies from the Horn and East Africa, and several chapters on responses to khat use in Britain and the US. However, the two studies have a similar focus and a similar account of khat. Unlike most cash crops with an export market, production is a local initiative providing a range of modest incomes rather than promoting concentration of wealth. As a result, and because demand and price tend to fluctuate upwards, it has displaced externally-imposed cash crops like coffee, notably in Ethiopia and the Nyambenes. In both areas the trade is controlled by local actors, although what defines ‘local’ depends on the final market – it is Meru who distribute miraa through Kenya, but Somalis who fly it to Britain and then sell it. The market, too, is ‘local’: few non-Africans or non-Yemenis chew, whether we are talking of Minnesota or Manchester. When it occurs, it tends to be a fad – it is, after all, too much like hard work; if drinking a pint of beer involved two and half hours of steady labour, there would be very few breweries in Britain. The trade is relatively easy to enter, provides good earnings where risk is reduced by high levels of trust, and shows an impressive degree of organisation, necessary if your product is as perishable as an orchid. Carrier is best on these aspects, although I would like to have seen more discussion from him of ‘trust’ from an anthropological standpoint.

Consumption patterns are central to both books. The meaning of consumption, and thus its means and impact depend on the cultural context, whether we are considering a gift of miraa to Meru elders, an evening of chewing among old friends in Mombasa, or a session in a cafe in Southall for casually employed Somali refugees. Its use is thus defined and contained by those contexts, which impart meanings having to do with identity, conviviality and the (re)assertion of culture, rather than addiction and victimhood. Thus khat is not best seen as a weak version of a ‘dangerous drug’, but as more akin to alcohol – widely used in culturally defined contexts but open to abuse, and whose damaging effects worsen the conditions that led to abuse, rather than causing them.

In the drug issue of the journal in 1999, the editorial argued that:

The international agencies concerned with drugs focus largely on ‘enforcement’ aspects – the control, detection and punishment of those who produce, trade and consume drugs. Their perspective tends to subsume all drug production and use under one narrow ‘trafficking’ model that has low standards of evidence; that is far more concerned with the interests of final consumer countries than those of Africans or African governments; and whose conception of enforcement is akin to that of the American ‘War on Drugs’. These perspectives interact with a picture of the nature of African societies, economies and political systems that is at best crude or naive, reminiscent of the worst international reporting of African crises and disasters.

Since then the ‘War on Terror’ has superseded and incorporated that on drugs. Khat, having been earlier accorded the same status as cocaine in the demonology of US Drug Enforcement Agency, has now become one of the supposed financial conduits for al-Quaeda, just as Somalia became one its leadership’s supposed hideouts. It was perhaps embarrassing for the US government and the band of tame academics and analysts who write on Somalia and the ‘Islamist menace’ when the Union of Islamic Courts in Mogadishu announced a (very unpopular)
ban on khat – a ban then eliminated by warlords backed by the US.

The volume by Anderson et al. presents itself as a case critique of such repressive/punitive responses to khat, whether in Africa or elsewhere, arguing that it is essentially self-policing, and that seeing it as a threat, and especially banning it (as in the US, but not Britain) is to risk its criminalisation with a rise in prices and the creation of the very features that were used to justify the ban. Their argument, as the similar plea from Carrier, is well made, but might have been strengthened by more comparative material – indeed there is a general thinness of comparative argument in both volumes. One product that suggests itself is the other ‘drug’ grown by Africans – cannabis, produced in Morocco for centuries and for the EU market since 1980, with Morocco now the main supplier to Europe. It has similarities historically with khat (production, cultural context of consumption, extent of use, shift to cash crop status, etc.), but now might best be seen as representing the future that Anderson et al. fear awaits khat: expansion of external markets, loss of control by Africans of distribution and marketing, demonisation as a ‘dangerous drug’ and criminalisation.

As it is, what these studies show is that so far at least, Khat is unlike other ‘drugs’ (even alcohol and tobacco). It is bulky to distribute (much more so than cannabis), it decays in a few days due to the instability of cathinone, has limited consumer pools, is controlled largely by nationals of producer areas, and does not generate exceptional or criminal incomes (with the possible exception of Somalia). Hence it is neither linked to criminal activities such as money laundering, nor – despite US paranoia – to ‘terrorism’. Nor in any sense is it a ‘conflict drug’ akin to ‘conflict diamonds’ or the Congo’s mineral resources, or cocaine.

If one were to offer a more direct contemporary comparison than that with cannabis it would not be with tobacco or alcohol, salutary though such parallels may be. It would be with betel nut chewing, another laborious activity based around a product that still remains substantially in local hands, which relies on the slow and modest release of alkaloids, and which has remarkably similar physical effects, as well as cultural embeddedness. Thus the Wikipedia entry (lacking in supportive citations, not that these are unavailable), reads: ‘(the nuts) can be chewed for their effects as a mildly euphoric stimulant, attributed to the presence of relatively high levels of psychoactive alkaloids and terpenoids. Chewing it increases the capacity to work, also causes a hot sensation in the body, heightened alertness and sweating. It should be noted effect of chewing few betel nuts is milder than drinking a cup of coffee.’ Now that is a real threat to world peace.


Editing a collective volume, especially one stemming from a conference, can be a thankless task, and one should not make inappropriate demands of such volumes, or their editors. In this case the conference was over four years ago, and the editors have made a considerable effort to provide us with a long introduction, reviewing debates over the origins of conflict and its relation to the key resources of land and water, with particular attention to ethnicity/identity and theories, offering the popular but essentially commonsense (and hence suspect) argument that growing resource
scarcity causes resource-based conflicts. This very useful piece has – unfortunately but perhaps inevitably – not guided the contributions. Nonetheless, we can ask to what extent the text does help us understand ‘conflicts over land and water’; and there we have problems.

The contributors, mainly African and Scandinavian scholars with considerable field experience, provide us in the great majority of cases with narrowly conceived and highly localised case studies which though interesting and informative in their own right do not allow much consideration of broader themes. A second form of narrowness has the same effect: ‘conflict’ in many of the pieces could as readily be rendered as ‘(potential) conflict of interest’, or ‘competition’ where land – or better access to land – is concerned. Thus we learn more about land tenure and land access arrangements than about conflicts arising (if indeed they do), notably from contributions from Amanor (on shifts in land rights and the role of contestation and negotiation in southern Ghana) and Toulmin (on secondary rights to access in West Africa).

However, the introduction and four of the contributions are explicitly identified as concerned with violent conflict, with case studies on Zimbabwe, Burkina Faso, Tanzania and Kenya’s drylands. With one exception they do not come to grips with broad themes, that exception being Derman and Hellum’s study of the land invasions in Zimbabwe – and this ends by reminding us that even when conflict involves land, it need not be just about land, for they see the source of the invasions as the protection of political power and access to corruption. Apart from the difficulties of making case studies serve broad themes, and the related absence of much comparative discussion, there is a pair of problems with the notion of ‘conflict’. It is first too vague and all-encompassing to serve as an organising concept, as the range of the situations discussed in the collection makes clear. Thus Witsenberg and Roba’s generally excellent piece on access to water in Marsabit District in Kenya, one which does take up general themes in using their case study to clarify and illuminate theories linking violent conflict to resource scarcity and then to show elegantly why they are deficient, runs into difficulties with changes in types of conflict over time. Can we really assume that cattle raids, now less common than in the colonial period, and much more recent skirmishes between troops from the Kenyan and Ethiopian armies are equally and usefully instances of ‘conflict’?

In turn, a second problem arises, for the nature of a conflict is in part at least formed by its general political context, and notably the nature of the political dynamic – the development of the political system – which both creates and changes that context. A study of Darfur, had it been possible, would have clarified this, since the degeneration of the Sudanese political system, and the resultant more recent phase of the civil war, have transformed the nature of cattle raiding (among other forms of violence) as well as introducing wholly new instances of conflict over land and water access.

Why then spend time with this volume? Every piece has its merits and something to teach us, but several stand out. The introduction provides a painstaking examination of a large body of material on resource scarcity and conflict, on ethnicity and violence, and on issues relating to identity and land. Amanor offers a critique of the conception of a largely customary basis to land tenure, which he sees as an ideological construct rooted in incorporation into the colonial economic system. He then shows us the actual processes through which land rights in Ghana have changed over time, through a careful historical study. Toulmin reminds us of the significance of derived land rights, defined as ‘the range of formal and informal contracts through
which people gain access to land for cultivation from those outside their family group’, and which are ‘very dynamic in form and content’. Derman and Hellum, and Witsenberg and Roba I have already mentioned, although it is worth adding that the quality of the latter makes it all the more regrettable that it was the sole piece on water access. This issue has become of growing importance, and is especially prone to naive ‘scarcity breeds conflict’ interpretations, with predictions of ‘water wars’. It also raises questions about neoliberal economic policies, with both land registration and water privatisation being themselves potential roots of conflict, as well as of intensified poverty.

Sadly Chris Allen passed away in September 2008. He was a valued member of ROAPE editorial working group in the 1990s. A future issue will carry a tribute to his work and contribution to the journal.


Stuffed and Starved is not about the industrial North and developing South divide. It addresses the class divide across the globe of those who have enough to eat versus the chronically hungry; what is well documented in this book is that neither group has control over food choices. As we are reminded almost daily, what we buy in the supermarket or in restaurants looks nothing like what our great-grandparents ate, whether in Europe, the US or India. We are all the poorer for it: malnutrition of the obese and of the hungry, polluted water and soils, loss of agricultural biodiversity.

Patel is an excellent story teller. His real-life tales bring us closer to the fields and tables of farmers and consumers, as the ‘book travels the length of the world food system’ (p. 18). The writing is accessible beyond the academic community, but it would have been easier to digest beyond the academic community, but it would have been easier to digest if Patel had paused more often to summarise, for example, exactly what Cecil John Rhodes has in common with Archer Daniel Midlands. If you assign the book for class, your students will have to do the linking back from the rich stories to political economy theories about corporate control over food production, marketing and consumption – as well as resistance to that control all along the commodity chains.

One of the many strengths of the book is that it relates stories about global food production and consumption in Brazil to India to South Africa. The crop (soya in Brazil versus corn in Mexico) may vary, as well as the ecological and financial climate, but the food system remains global. For decades, agribusiness has controlled the US food commodity chain from field to fork, and now with the help of trade agreements such as NAFTA and the WTO, the reach is global. As Patel relates with empirical data and diagrams, the oligopoly control influences government domestic and foreign policy (the link of Rhodes who helped to drive the British imperial command over Southern Africa to Archer Daniel Midlands and Cargill who design the US grain empire). Sometimes the policy is direct (General Marshall making sure US troops in Europe had enough Coca Cola, p. 258) and sometimes indirect (shipping genetically-modified corn as food aid to Southern Africa in 2001, pp. 149–150).

Reinforcing the analysis that distribution and the ability to access food provide feast or famine, Patel addresses the absurdity of advocating technology as a

DOI: 10.1080/03056240902886166
way to fix these problems, such as in the ‘green revolution’. Although yields did increase as much as five times in India, over a period of 20 years (p. 124), the costs of the new seed varieties were too high. In some areas of the green revolution, ground water dropped over a foot. (p. 125). The number of smallholdings fell by a quarter in the Punjab (p. 126), for small-scale farmers sold their land to cover debt for the purchase of seed, fertilisers and pesticides. Pollution of the soil and water is serious. Patel calls for us to compare the increased yields at high environmental and social costs, not with previous yields but rather, with other areas where farming was collectively and socially organised to profit the smallholder while keeping the cost of food down. Without a green revolution, Kerala reduced infant mortality rates and increased life expectancy. As many have long demonstrated, political solutions more than technology are necessary to end hunger (and obesity), a message that the Gates/Rockefeller Foundations are ignoring in proposing yet another ‘green revolution’ (with patenting of seeds) for Africa.

Patel relies on the profit motive to explain the consolidation of productive forces as well as the introduction of pseudo-foods that make us fat. Of course that drive is central, but to effectively organise resistance we also need to understand the other goals. For example, control over genetic resources (patenting of plants) probably has more to do with blocking future competition, rather than current profit, for the expenditures for genetically modifying seed and patenting are high. Taking resources (land, water, seed) away from farmers brings profits, but it involves a complex process (of proletarianisation), different from the enclosure movement of Europe. Contract farming, for example, means that imperialism no longer needs direct control over land for food production. What does that mean for land reform in Brazil, in Southern Africa? Does it make it easier or harder? We must understand these processes in order to know who has what resources left to resist.

Patel fully describes the MST (Movimento dos Trabalhadores rurais Sem Terra) in Brazil as an exemplary social movement: The MST ‘is in the business not only of producing new kinds of farming, but new kinds of people’ (p. 205). He cites the lessons they have learned from other movements, such as education for production and self-governance paying attention to gender equity. They have links with several universities to send their children to higher education. The key ‘has been the political and social reconstruction and re-education of its members’ (p. 211), and they are trying to be self-financing (p. 212). However, for those with experience with ujamaa in Tanzania or production cooperatives in Mozambique, it sounds all too familiar and we need more complex analysis before we can agree that the MST is avoiding fatal errors.

This book offers current examples that shock and disturb even for those familiar with control over the global food system. The concrete suggestions in the last chapter do not stop with how to change our shopping habits (‘consumer lite’), but remind us that unless we organise for workers’ living wages and rights, and for transformation of rural life, we are wasting our time shopping organic.
The purpose of this book is to link changes in health – including health status, health seeking behaviour and health care provision – with social change in Tanzania. Its contributors span public health, medicine and anthropology and 11 out of 19 are primarily affiliated to the University of Dar es Salaam. This volume of considerable length (14 chapters plus an introduction and conclusion) provides a valuable documentation of many aspects of health care and illness in Tanzania.

The book is divided into four thematic areas: youth; reproductive health and HIV/AIDS; mental health; and poverty and the political economy of health. The constituent chapters could be useful for students of the respective themes with a focus on Tanzania or East Africa more generally, as they provide, albeit somewhat unevenly, a general overview of the official statistical data, the health care services and some case-study material relevant to the topic. However, the book is limited in that most of the chapters focus on the period of intensive structural adjustment reforms and their early repercussions, before the emphasis on sector support or widespread AIDS treatment.

The discussion on youth and health begins with an overview of the situation as exemplified by public statistics and some secondary literature. Chapter one raises worthwhile questions about the limited notions of ‘sex’ and ‘sexual activities’ in most studies of sexual behaviour. Chapter three provides previously unpublished data from a case study of schools in Rombo District, which indicates the importance of mass media and fathers in providing information on sexual and reproductive health. It also points to the reluctance of teachers to engage in sex education, but this should not be surprising given the previous books on other Kilimanjaro districts by Setel (1999), Stambach (2000), and Vavrus (2003). The reduction of health concerns to preventing AIDS, STDs and unwanted pregnancy is not challenged in this book. We are left wondering about the importance of other health issues for youth, such as mental health problems discussed later in the book. The chapters reiterate some of the good classic literature on youth, HIV/AIDS, and mobility. Chapter four argues that it is necessary to differentiate between youth ‘as a problem’ and the ‘problems’ of youth; some of the contributors to this volume are more successful in holding to this commitment than others.

Part two on reproductive health and HIV/AIDS is the least coherent part of the text. Many of the issues in this section were already introduced in the previous chapters on ‘youth’. Reproductive health is completely eclipsed by the discussion of HIV/AIDS. While the overviews given on AIDS in the country and HIV decline in Kagera Region are helpful, if descriptive, they could have been more usefully placed to introduce and make explicit one of the book’s premises: that AIDS is defining the landscape of public health issues in Tanzania.

Part three on mental health is more interesting as the chapters recognise the role of various forms of healing as constituting a response to public health problems. Chapter eight presents a convincing argument that mental health is under-prioritised in the Third World, and is one of the rare places in the book where the actual health care system in Tanzania is brought under consideration. Chapters ten and eleven describe important, understudied issues, but contain considerable overlap and repetition. Chapter nine attempts to link poverty and mental illness, but does not actually succeed in doing so. This
chapter has a striking example of drawing prescriptions that relate exclusively to the author’s ideological stance and not at all to the data from this chapter or the rest of the book. The recommended solution to Tanzania’s mental health problems is ‘more active family planning programs nationally to decrease its current annual population growth’ (p. 207). The fact that such a statement is written by a medical expert and collaborator in this book is perhaps the strongest criticism of section two where the relationship between reproductive health and rights, family planning programmes, population growth and development should have been elaborated.

The final section on poverty and the political economy of health contains a reprint of a valuable, but now historical article from this journal on the impact of SAPs on health. Chapter thirteen is a descriptive case study of maids in Dar es Salaam, which provides some interesting case material, but could have benefited significantly from engagement with the large literature on gender issues in health and employment in Tanzania. Chapter fourteen should have articulated the purpose of the volume, to conceptualise the ‘new public health,’ emphasising interdisciplinarity and a human rights perspective in the case of Tanzania. However, it actually offers little beyond a broad-brush critique of ‘globalisation’ painted through disparate eye-catching quotations and statistics with no explicit connection to Tanzania. Certainly an effective critique of globalisation processes and local impacts is needed, but this requires more than just ‘sobering statistics’: an analysis needs to be made that links the meaning of the Pochantas pajamas in Haiti to the limited availability of drugs in the dispensary in Mlali. The functioning of structural violence has been skillfully demonstrated for the case of Haiti in Farmer’s (1999) work, and in global HIV/AIDS in Stillwaggon’s (2005) work, it would be commendable if the authors in this volume could take up the articulation of structural violence in the Tanzanian health context.

With perhaps a more cohesive editorial sharpening, this book could have been an informative perspective on the current highly politicised debate over the linkages between AIDS and poverty. Updates on some of the chapters could be invaluable for charting the changes on issues such as AIDS treatment (what are the impacts of ARV roll-out?), urban hygiene and policing (what has happened to the ‘children of the street’ when their ‘safe spaces’ are declared unlawful?), and traditional medicine (has the Chama cha Waganga na Wakunga wa Tiba Asilia Tanzania (CHAWATIATA), the Tanzania Traditional Health Practitioners Association, become a recognised actor in providing public health services?). The overriding imperative for promoting social improvement, as represented by the concluding section of many chapters entitled ‘What Needs to be Done?’ is commendable from an activist text; however, the recommendations that are presented tend to reiterate many of the most popular slogans in international development rhetoric, and do not necessarily draw on the empirical material or analysis of the chapter, but branch into other areas of policy for which little or no substantiation has been given. While the collection is empirically driven and lacks a unifying theoretical understanding, some chapters offer interesting discussions of often-neglected aspects of health in Tanzania.

References


This is a very intriguing book. The authors attempt to advance our knowledge and familiarity with Fair Trade. They define Fair Trade as a progressive movement that seeks to bring a sustainable and socially just future for society by altering the nature of trade to benefit those individuals who are adversely affected by the free trade regime. The book is divided into four parts to discuss the historical origins and challenges facing Fair Trade movements.

Part I expounds on the emergence of Fair Trade. The authors give a historical account and show Fair Trade is an intricately woven system of alternative trade organisations, certification groups, labelers and government agencies. The agro-food sector is shown to be the area in which Fair Trade is booming with sales in Fair Trade certified Coffee, Cocoa, Banana and Quinoa (a crop native to Bolivia) growing rapidly.

Part II discusses the evolution of Fair Trade in the northern hemisphere with a focus on Western Europe and the United States. The authors convincingly argue that consumer awareness via social movements has contributed significantly to the growth of Fair Trade in this part of the world. Using Starbucks as an example, the authors show that social image awareness is increasing for corporations and that this creates an opportunity for Fair Trade movements around the world to seek social justice from corporations. However, social awareness by corporations is detrimental to tenets of Fair Trade since, ‘Fair Trade has been bastardized by its mainstreaming in shops and restaurants where most of the products sold are not ethically certified and where major ethical questions are being raised about other aspects of the firms’ business practices’ (p. 57). For example, the authors note that some supermarkets in the Global North only offer shelf space for Fair Trade products and are in no way related to Fair Trade activities. These supermarkets reap where they have not sown because they benefit from a ‘social brand built up through long years of activity by a core of Fair Trade supporters and consumers’, (p. 58) even though they may have in the past and continue to have in the present ethical issues surrounding their operations.

Part III of the book is perhaps the most exciting. It engages in discussion pertaining to the Global South. This part of the world has been and continues to be the most marginalised by Free Trade. The authors show that plantation agriculture and government participation in Fair Trade is common in this region. They ponder whether plantation agriculture undermines Fair Trade’s tenet of helping the poor farmer, and conclude the answer to this question is ambiguous. This is because even though plantations can help increase the amount of goods brought under Fair Trade, they detract from Fair Trade’s goal of helping small farmers. Government involvement is discussed using the cases of Brazil and South Africa. This involvement should not be misunderstood as government owning the farms but as government being actively engaged in Fair Trade via its public policy. The involvement takes the form advocated by modern Post-Keynesians wherein governments’ social programmes and activities work to ensure that social investment activities target the poor and underprivileged in society. The South African government’s Black Empowerment Initiative is shown by the authors to have redefined the nature of Fair Trade in that country. This redefinition was necessary given the deep racial divisions in South Africa and their economic manifestations in the ownership of land for example. The authors
credibly show that colonial history, culture and social divisions should be heeded if Fair Trade is to be successful in South Africa.

I find this book very interesting because it offers a fresh perspective on international trade. However, just like the authors, I agree that ‘the key challenges facing Fair Trade arise from the inherent contradictions embedded within this initiative’ (p. 223). If Fair Trade is truly an alternative position that seeks to bring about social justice, it must devise ways to protect itself from conventional economic theory’s Free Trade. It must perhaps do away with market-oriented approaches evident in some plantations. It must also avoid mainstreaming and perhaps adopt country-specific policies as in the case of South Africa. In short, Fair Trade must void itself of the mistakes of Free Trade if it is to achieve its goal of social justice in trade.


This book examines the nature of state capacity and development in the context of the current African crisis. The aim is to offer a plausible theoretical link between state legitimacy and economic development. The central argument underpinning the book is that effective policies and good governance are essential elements for development; furthermore, Africa’s crisis of development is to some extent a crisis of legitimacy. Englebert’s well-informed statistical analysis of Africa’s economic growth indicates that the continent has the worst economic record of all regions, raising the question of whether Africa could extricate herself from the prevailing economic stagnation. Africa’s crisis is tied to the question of state legitimacy – a phenomenon predicated on issues such as the politics of predation and prebendalism, rent seeking, administrative and institutional decay, ethnic polarisation, absence of social capital and the impact of structural adjustment. These multi-dimensional problems have severely weakened state capacity to evolve viable and robust policies for economic growth, reinforcing economic stagnation and the crisis of development. Englebert’s work offers an in-depth analysis of Africa’s crisis of legitimacy with emphasis on explaining the interface between economic growth and stagnation.

The book is divided into three parts. The first dwells extensively on conceptualising the nature of state capacity and development by providing a theoretical link between states’ developmental policies, good governance and economic growth. Comparative empirical studies show that efficient economic policies and good governance are inter-twined and enhance the developmental capacity of the state. Thus, development as a process is a function of viable economic policies and the quality of state institutions. Functional economic policies are manifested in government spending on productive investments: expenditure on education in order to build human capital, investment on infrastructure, which has powerful impact in the long-run on economic growth and development. Moreover, state institutions are strengthened through good governance, which creates a favourable environment for economic growth. For Englebert, realistic economic policies and strong state institutions are *sine qua non* for a developmental state, but seemingly, Africa lacks capacity for the realisation of these economic objectives due largely to political economy of decline and its peripheral position in the international political economy.
Part two constitutes the strength of the book by offering an in-depth explanation of the nature of Africa’s capacity crisis through a systematic application of ‘social capital and ethnic heterogeneity theory’. Englebert argues that social capital theory as a sociological approach to the understanding of development is a vital ‘civic culture’ that contributes to political and economic development. Social capital theory enables explanation of a country’s processes of social organisation, as well as cohesion, trust, norms and social networks that enhances the functional efficiency of society by stimulating organised action. By contrast, in ethnically fragmented societies, political elites tend to foster the interests of their ethnic groups against national interests. This leads to the adoption of policies that are inimical to growth and weaken the quality of state institutions, as state resources are channelled into private social relations. Therefore, social capital and ethnic heterogeneity theories of African stagnation serve as important explanatory variables for understanding Africa’s capacity crisis, and the findings of this book attribute the current crisis of development and legitimacy in large part to the inability of the continent to effectively respond to the international economic environment and to ethnic fragmentation.

Part three of the book assesses the theory of developmental legitimacy by using comparative empirical analysis globally. State legitimacy is seen as a clear reflection of the impacts of history, or put differently, most post-colonial states are characterised by political illegitimacy due largely to the ‘clash’ between pre-colonial and post-colonial institutions. Thus, Africa differs from the rest of the world due to what Englebert describes as lack of ‘social endogenity of state structures and of the historical continuity of institutions’ (p. 143). The most considerable analysis in this section is the in-depth explanations on the effects of state legitimacy on growth in Africa, which indicates how low legitimacy has weakened Africa’s developmental capacity. The book ends with a superb analysis of the nature of state transition in Africa. Englebert suggests that lack of state legitimacy is at ‘the core of the developmental failure of many African states’. Furthermore, propensity towards neo-patrimonialism, the failure of structural adjustment policies and the lack of public sector reform challenged the very existence and nature of the African state.

My main criticism of Englebert’s work centres on three issues. First, his use of social capital theory is not explicit in relation to the understanding of developmental and capacity crisis in Africa, in that the theory is not relevant within the context of African politics. Second, the valorisation of social capital theory in recent social science research by the neo-liberal institutions (IMF/World Bank) in their re-developed development policy prescriptions has to some extent also exposed the flawed nature of the theory vis-à-vis Africa’s crisis of development, especially when viewed within the context of the failure of the neo-liberal project in Africa. In other words, the basic assumption of the theory is to some extent deeply-rooted in neo-liberal values. Finally, the author has not critically challenged the current iniquitous nature of the international political economy, which peripheralised and reinforced Africa’s crisis of development as argued by many scholars working from a more neo-imperial, dependency or underdevelopment perspective. These criticisms aside, Englebert’s book is a significant addition to the discussion of the state in Africa.

Almost a decade ago this journal published a special issue on drugs and drug ‘control’ in Africa. At the time it was one of the very few general sources on this theme, and soon after one of these – the reports of the Paris OGD (Observatoire Generale de Drogue) – ceased publication. Now we have two books on just one drug, khat (‘miraa’ in Kenya), each copiously referenced and a tribute to the work of younger researchers. Like the special issue, each explores a large range of issues – well expressed in Carrier’s phrase ‘the social life of a stimulant’ – from the pharmacology of the drug itself, through its production, its social, cultural and economic impact, to political and social issues arising from its use. Here we re-enter the area of control and its justification, both in Africa and elsewhere, since khat has become a global commodity, minor, but widespread; a few minutes on the Internet will yield several sites offering bundles of khat, albeit at rather high prices.

The two studies differ in scope and style, Anderson et al. covering the Horn and East Africa from a variety of social science and anthropological perspectives, providing us, in its own words, with the ‘first analytical study of the chain of production, distribution and transnational consumption of khat’. Carrier’s absurdly costly book is almost wholly about Kenya, and at root a piece of cultural ethnography. However, both are part of a larger study, the ESRC funded ‘Cultures of Consumption’ project headed by Prof. Frank Trentmann, and they do integrate neatly. This is just as well, for Carrier’s book is substantially empirical in content, often reading like well-ordered (and entertaining) field notes, and avoiding much analytical digression, even in the introduction and conclusion. The one chapter that does not fit this pattern, on ‘Miraa (khat) and the War on Drugs’, is more of an opinion piece, well founded and argued, but less scholarly in conception. What Carrier does do very well is to flesh out the lines of analysis and argument in the other study, often with vivid and insightful examples. Each study needs the other to work best, as the discussions of the cultural context of khat consumption, and of the role of trust in its trade demonstrate: Carrier’s accounts are essential to grounding and assessing the many references to these themes in Anderson et al.

Khat consists of leafy twigs from bushes and mature trees of Catha edulis, available in a great variety of qualities and styles, and consumed by chewing the leaves, tips and bark of the twig, which releases the alkaloids cathinone and cathine (plus others), promoting euphoria and alertness – and an urge to talk to others. It is used as part of many rituals, to aid and enhance social interaction, to stay awake and alert, or simply to ease physical labour (by, for example, farmers). It occurs wild quite widely, but is cultivated mainly in Ethiopia and Kenya, and consumed mainly by Yemenis, Ethiopians, Somalis, Kenyans and other East Africans,
both at home and abroad. Somalis are perhaps the best known expatriate consumers, and the focus of much of the less sympathetic literature on khat.

While Carrier concentrates on the Nyambene hills north of Mount Kenya and various subgroups of Meru involved in the world of ‘miraa’, Anderson et al. provide half a dozen area studies from the Horn and East Africa, and several chapters on responses to khat use in Britain and the US. However, the two studies have a similar focus and a similar account of khat. Unlike most cash crops with an export market, production is a local initiative providing a range of modest incomes rather than promoting concentration of wealth. As a result, and because demand and price tend to fluctuate upwards, it has displaced externally-imposed cash crops like coffee, notably in Ethiopia and the Nyambenes. In both areas the trade is controlled by local actors, although what defines ‘local’ depends on the final market – it is Meru who distribute miraa through Kenya, but Somalis who fly it to Britain and then sell it. The market, too, is ‘local’: few non-Africans or non-Yemenis chew, whether we are talking of Minneapolis or Manchester. When it occurs, it tends to be a fad – it is, after all, too much like hard work; if drinking a pint of beer involved two and half hours of steady labour, there would be very few breweries in Britain. The trade is relatively easy to enter, provides good earnings where risk is reduced by high levels of trust, and shows an impressive degree of organisation, necessary if your product is as perishable as an orchid. Carrier is best on these aspects, although I would like to have seen more discussion from him of ‘trust’ from an anthropological standpoint.

Consumption patterns are central to both books. The meaning of consumption, and thus its means and impact depend on the cultural context, whether we are considering a gift of miraa to Meru elders, an evening of chewing among old friends in Mombasa, or a session in a cafe in Southall for casually employed Somali refugees. Its use is thus defined and contained by those contexts, which impart meanings having to do with identity, conviviality and the (re)assertion of culture, rather than addiction and victimhood. Thus khat is not best seen as a weak version of a ‘dangerous drug’, but as more akin to alcohol – widely used in culturally defined contexts but open to abuse, and whose damaging effects worsen the conditions that led to abuse, rather than causing them.

In the drug issue of the journal in 1999, the editorial argued that:

The international agencies concerned with drugs focus largely on ‘enforcement’ aspects – the control, detection and punishment of those who produce, trade and consume drugs. Their perspective tends to subsume all drug production and use under one narrow ‘trafficking’ model that has low standards of evidence; that is far more concerned with the interests of final consumer countries than those of Africans or African governments; and whose conception of enforcement is akin to that of the American ‘War on Drugs’. These perspectives interact with a picture of the nature of African societies, economies and political systems that is at best crude or naive, reminiscent of the worst international reporting of African crises and disasters.

Since then the ‘War on Terror’ has superseded and incorporated that on drugs. Khat, having been earlier accorded the same status as cocaine in the demonology of US Drug Enforcement Agency, has now become one of the supposed financial conduits for al-Qaeda, just as Somalia became one its leadership’s supposed hideouts. It was perhaps embarrassing for the US government and the band of tame academics and analysts who write on Somalia and the ‘Islamist menace’ when the Union of Islamic Courts in Mogadishu announced a (very unpopular)
ban on khat – a ban then eliminated by warlords backed by the US.

The volume by Anderson et al. presents itself as a case critique of such repressive/punitive responses to khat, whether in Africa or elsewhere, arguing that it is essentially self-policing, and that seeing it as a threat, and especially banning it (as in the US, but not Britain) is to risk its criminalisation with a rise in prices and the creation of the very features that were used to justify the ban. Their argument, as the similar plea from Carrier, is well made, but might have been strengthened by more comparative material – indeed there is a general thinness of comparative argument in both volumes. One product that suggests itself is the other ‘drug’ grown by Africans – cannabis, produced in Morocco for centuries and for the EU market since 1980, with Morocco now the main supplier to Europe. It has similarities historically with khat (production, cultural context of consumption, extent of use, shift to cash crop status, etc.), but now might best be seen as representing the future that Anderson et al. fear awaits khat: expansion of external markets, loss of control by Africans of distribution and marketing, demonisation as a ‘dangerous drug’ and criminalisation.

As it is, what these studies show is that so far at least, Khat is unlike other ‘drugs’ (even alcohol and tobacco). It is bulky to distribute (much more so than cannabis), it decays in a few days due to the instability of cathinone, has limited consumer pools, is controlled largely by nationals of producer areas, and does not generate exceptional or criminal incomes (with the possible exception of Somalia). Hence it is neither linked to criminal activities such as money laundering, nor – despite US paranoia – to ‘terrorism’. Nor in any sense is it a ‘conflict drug’ akin to ‘conflict diamonds’ or the Congo’s mineral resources, or cocaine.

If one were to offer a more direct contemporary comparison than that with cannabis it would not be with tobacco or alcohol, salutary though such parallels may be. It would be with betel nut chewing, another laborious activity based around a product that still remains substantially in local hands, which relies on the slow and modest release of alkaloids, and which has remarkably similar physical effects, as well as cultural embeddedness. Thus the Wikipedia entry (lacking in supportive citations, not that these are unavailable), reads: ‘(the nuts) can be chewed for their effects as a mildly euphoric stimulant, attributed to the presence of relatively high levels of psychoactive alkaloids and terpeneols. Chewing it increases the capacity to work, also causes a hot sensation in the body, heightened alertness and sweating. It should be noted effect of chewing few betel nuts is milder than drinking a cup of coffee.’ Now that is a real threat to world peace.


Editing a collective volume, especially one stemming from a conference, can be a thankless task, and one should not make inappropriate demands of such volumes, or their editors. In this case the conference was over four years ago, and the editors have made a considerable effort to provide us with a long introduction, reviewing debates over the origins of conflict and its relation to the key resources of land and water, with particular attention to ethnicity/identity and theories, offering the popular but essentially commonsense (and hence suspect) argument that growing resource
scarcity causes resource-based conflicts. This very useful piece has – unfortunately but perhaps inevitably – not guided the contributions. Nonetheless, we can ask to what extent the text does help us understand ‘conflicts over land and water’; and there we have problems.

The contributors, mainly African and Scandinavian scholars with considerable field experience, provide us in the great majority of cases with narrowly conceived and highly localised case studies which though interesting and informative in their own right do not allow much consideration of broader themes. A second form of narrowness has the same effect: ‘conflict’ in many of the pieces could as readily be rendered as ‘(potential) conflict of interest’, or ‘competition’ where land – or better access to land – is concerned. Thus we learn more about land tenure and land access arrangements than about conflicts arising (if indeed they do), notably from contributions from Amanor (on shifts in land rights and the role of contestation and negotiation in southern Ghana) and Toulmin (on secondary rights to access in West Africa).

However, the introduction and four of the contributions are explicitly identified as concerned with violent conflict, with case studies on Zimbabwe, Burkina Faso, Tanzania and Kenya’s drylands. With one exception they do not come to grips with broad themes, that exception being Derman and Hellum’s study of the land invasions in Zimbabwe – and this ends by reminding us that even when conflict involves land, it need not be just about land, for they see the source of the invasions as the protection of political power and access to corruption. Apart from the difficulties of making case studies serve broad themes, and the related absence of much comparative discussion, there is a pair of problems with the notion of ‘conflict’. It is first too vague and all-encompassing to serve as an organising concept, as the range of the situations discussed in the collection makes clear. Thus Witsenberg and Roba’s generally excellent piece on access to water in Marsabit District in Kenya, one which does take up general themes in using their case study to clarify and illuminate theories linking violent conflict to resource scarcity and then to show elegantly why they are deficient, runs into difficulties with changes in types of conflict over time. Can we really assume that cattle raids, now less common than in the colonial period, and much more recent skirmishes between troops from the Kenyan and Ethiopian armies are equally and usefully instances of ‘conflict’?

In turn, a second problem arises, for the nature of a conflict is in part at least formed by its general political context, and notably the nature of the political dynamic – the development of the political system – which both creates and changes that context. A study of Darfur, had it been possible, would have clarified this, since the degeneration of the Sudanese political system, and the resultant more recent phase of the civil war, have transformed the nature of cattle raiding (among other forms of violence) as well as introducing wholly new instances of conflict over land and water access.

Why then spend time with this volume? Every piece has its merits and something to teach us, but several stand out. The introduction provides a painstaking examination of a large body of material on resource scarcity and conflict, on ethnicity and violence, and on issues relating to identity and land. Amanor offers a critique of the conception of a largely customary basis to land tenure, which he sees as an ideological construct rooted in incorporation into the colonial economic system. He then shows us the actual processes through which land rights in Ghana have changed over time, through a careful historical study. Toulmin reminds us of the significance of derived land rights, defined as ‘the range of formal and informal contracts through
which people gain access to land for cultivation from those outside their family group’, and which are ‘very dynamic in form and content’. Derman and Hellum, and Witsenberg and Roba I have already mentioned, although it is worth adding that the quality of the latter makes it all the more regrettable that it was the sole piece on water access. This issue has become of growing importance, and is especially prone to naive ‘scarcity breeds conflict’ interpretations, with predictions of ‘water wars’. It also raises questions about neoliberal economic policies, with both land registration and water privatisation being themselves potential roots of conflict, as well as of intensified poverty.

In the book, Patel addresses the class divide across the globe of those who have enough to eat versus the chronically hungry; what is well documented in this book is that neither group has control over food choices. As we are reminded almost daily, what we buy in the supermarket or in restaurants looks nothing like what our great-grandparents ate, whether in Europe, the US or India. We are all the poorer for it: malnutrition of the obese and of the hungry, polluted water and soils, loss of agricultural biodiversity.

Patel is an excellent story teller. His real-life tales bring us closer to the fields and tables of farmers and consumers, as the ‘book travels the length of the world food system’ (p. 18). The writing is accessible beyond the academic community, but it would have been easier to digest all the graphic details if Patel had paused more often to summarise, for example, exactly what Cecil John Rhodes has in common with Archer Daniel Midlands. If you assign the book for class, your students will have to do the linking back from the rich stories to political economy theories about corporate control over food production, marketing and consumption – as well as resistance to that control all along the commodity chains.

One of the many strengths of the book is that it relates stories about global food production and consumption in Brazil to India to South Africa. The crop (soya in Brazil versus corn in Mexico) may vary, as well as the ecological and financial climate, but the food system remains global. For decades, agribusiness has controlled the US food commodity chain from field to fork, and now with the help of trade agreements such as NAFTA and the WTO, the reach is global. As Patel relates with empirical data and diagrams, the oligopoly control influences government domestic and foreign policy (the link of Rhodes who helped to drive the British imperial command over Southern Africa to Archer Daniel Midlands and Cargill who design the US grain empire). Sometimes the policy is direct (General Marshall making sure US troops in Europe had enough Coca Cola, p. 258) and sometimes indirect (shipping genetically-modified corn as food aid to Southern Africa in 2001, pp. 149–150).

Reinforcing the analysis that distribution and the ability to access food provide feast or famine, Patel addresses the absurdity of advocating technology as a

Stuffed and Starved is not about the industrial North and developing South divide. It addresses the class divide across the globe of those who have enough to eat versus the chronically hungry; what is well documented in this book is that neither group has control over food choices. As we are reminded almost daily, what we buy in the supermarket or in restaurants looks nothing like what our great-grandparents ate, whether in Europe, the US or India. We are all the poorer for it: malnutrition of the obese and of the hungry, polluted water and soils, loss of agricultural biodiversity.

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Reinforcing the analysis that distribution and the ability to access food provide feast or famine, Patel addresses the absurdity of advocating technology as a

DOI: 10.1080/03056240902886166
way to fix these problems, such as in the ‘green revolution’. Although yields did increase as much as five times in India, over a period of 20 years (p. 124), the costs of the new seed varieties were too high. In some areas of the green revolution, ground water dropped over a foot. (p. 125). The number of smallholdings fell by a quarter in the Punjab (p. 126), for small-scale farmers sold their land to cover debt for the purchase of seed, fertilisers and pesticides. Pollution of the soil and water is serious. Patel calls for us to compare the increased yields at high environmental and social costs, not with previous yields but rather, with other areas where farming was collectively and socially organised to profit the smallholder while keeping the cost of food down. Without a green revolution, Kerala reduced infant mortality rates and increased life expectancy. As many have long demonstrated, political solutions more than technology are necessary to end hunger (and obesity), a message that the Gates/Rockefeller Foundations are ignoring in proposing yet another ‘green revolution’ (with patenting of seeds) for Africa.

Patel relies on the profit motive to explain the consolidation of productive forces as well as the introduction of pseudo-foods that make us fat. Of course that drive is central, but to effectively organise resistance we also need to understand the other goals. For example, control over genetic resources (patenting of plants) probably has more to do with blocking future competition, rather than current profit, for the expenditures for genetically modifying seed and patenting are high. Taking resources (land, water, seed) away from farmers brings profits, but it involves a complex process (of proletarianisation), different from the enclosure movement of Europe. Contract farming, for example, means that imperialism no longer needs direct control over land for food production. What does that mean for land reform in Brazil, in Southern Africa? Does it make it easier or harder? We must understand these processes in order to know who has what resources left to resist.

Patel fully describes the MST (Movimento dos Trabalhadores rurais Sem Terra) in Brazil as an exemplary social movement: The MST ‘is in the business not only of producing new kinds of farming, but new kinds of people’ (p. 205). He cites the lessons they have learned from other movements, such as education for production and self-governance paying attention to gender equity. They have links with several universities to send their children to higher education. The key ‘has been the political and social reconstruction and re-education of its members’ (p. 211), and they are trying to be self-financing (p. 212). However, for those with experience with ujamaa in Tanzania or production cooperatives in Mozambique, it sounds all too familiar and we need more complex analysis before we can agree that the MST is avoiding fatal errors.

This book offers current examples that shock and disturb even for those familiar with control over the global food system. The concrete suggestions in the last chapter do not stop with how to change our shopping habits (‘consumer lite’), but remind us that unless we organise for workers’ living wages and rights, and for transformation of rural life, we are wasting our time shopping organic.

The purpose of this book is to link changes in health – including health status, health seeking behaviour and health care provision – with social change in Tanzania. Its contributors span public health, medicine and anthropology and 11 out of 19 are primarily affiliated to the University of Dar es Salaam. This volume of considerable length (14 chapters plus an introduction and conclusion) provides a valuable documentation of many aspects of health care and illness in Tanzania.

The book is divided into four thematic areas: youth; reproductive health and HIV/AIDS; mental health; and poverty and the political economy of health. The constituent chapters could be useful for students of the respective themes with a focus on Tanzania or East Africa more generally, as they provide, albeit somewhat unevenly, a general overview of the official statistical data, the health care services and some case-study material relevant to the topic. However, the book is limited in that most of the chapters focus on the period of intensive structural adjustment reforms and their early repercussions, before the emphasis on sector support or widespread AIDS treatment.

The discussion on youth and health begins with an overview of the situation as exemplified by public statistics and some secondary literature. Chapter one raises worthwhile questions about the limited notions of ‘sex’ and ‘sexual activities’ in most studies of sexual behaviour. Chapter three provides previously unpublished data from a case study of schools in Rombo District, which indicates the importance of mass media and fathers in providing information on sexual and reproductive health. It also points to the reluctance of teachers to engage in sex education, but this should not be surprising given the previous books on other Kilimanjaro districts by Setel (1999), Stambach (2000), and Vavrus (2003). The reduction of health concerns to preventing AIDS, STDs and unwanted pregnancy is not challenged in this book. We are left wondering about the importance of other health issues for youth, such as mental health problems discussed later in the book. The chapters reiterate some of the good classic literature on youth, HIV/AIDS, and mobility. Chapter four argues that it is necessary to differentiate between youth ‘as a problem’ and the ‘problems’ of youth; some of the contributors to this volume are more successful in holding to this commitment than others.

Part two on reproductive health and HIV/AIDS is the least coherent part of the text. Many of the issues in this section were already introduced in the previous chapters on ‘youth’. Reproductive health is completely eclipsed by the discussion of HIV/AIDS. While the overviews given on AIDS in the country and HIV decline in Kagera Region are helpful, if descriptive, they could have been more usefully placed to introduce and make explicit one of the book’s premises: that AIDS is defining the landscape of public health issues in Tanzania.

Part three on mental health is more interesting as the chapters recognise the role of various forms of healing as constituting a response to public health problems. Chapter eight presents a convincing argument that mental health is under-prioritised in the Third World, and is one of the rare places in the book where the actual health care system in Tanzania is brought under consideration. Chapters ten and eleven describe important, understudied issues, but contain considerable overlap and repetition. Chapter nine attempts to link poverty and mental illness, but does not actually succeed in doing so. This

DOI: 10.1080/03056240902886174
chapter has a striking example of drawing prescriptions that relate exclusively to the author’s ideological stance and not at all to the data from this chapter or the rest of the book. The recommended solution to Tanzania’s mental health problems is ‘more active family planning programs nationally to decrease its current annual population growth’ (p. 207). The fact that such a statement is written by a medical expert and collaborator in this book is perhaps the strongest criticism of section two where the relationship between reproductive health and rights, family planning programmes, population growth and development should have been elaborated.

The final section on poverty and the political economy of health contains a reprint of a valuable, but now historical article from this journal on the impact of SAPs on health. Chapter thirteen is a descriptive case study of maids in Dar es Salaam, which provides some interesting case material, but could have benefited significantly from engagement with the large literature on gender issues in health and employment in Tanzania. Chapter fourteen should have articulated the purpose of the volume, to conceptualise the ‘new public health,’ emphasising interdisciplinarity and a human rights perspective in the case of Tanzania. However, it actually offers little beyond a broad-brush critique of ‘globalisation’ painted through disparate eye-catching quotations and statistics with no explicit connection to Tanzania. Certainly an effective critique of globalisation processes and local impacts is needed, but this requires more than just ‘sobering statistics’: an analysis needs to be made that links the meaning of the Pochantas pajamas in Haiti to the limited availability of drugs in the dispensary in Mlali. The functioning of structural violence has been skillfully demonstrated for the case of Haiti in Farmer’s (1999) work, and in global HIV/AIDS in Stillwaggon’s (2005) work, it would be commendable if the authors in this volume could take up the articulation of structural violence in the Tanzanian health context.

With perhaps a more cohesive editorial sharpening, this book could have been an informative perspective on the current highly politicised debate over the linkages between AIDS and poverty. Updates on some of the chapters could be invaluable for charting the changes on issues such as AIDS treatment (what are the impacts of ARV roll-out?), urban hygiene and policing (what has happened to the ‘children of the street’ when their ‘safe spaces’ are declared unlawful?), and traditional medicine (has the Chama cha Waganga na Wakunga wa Tiba Asilia Tanzania (CHAWATATA), the Tanzania Traditional Health Practitioners Association, become a recognised actor in providing public health services?). The overriding imperative for promoting social improvement, as represented by the concluding section of many chapters entitled ‘What Needs to be Done?’ is commendable from an activist text; however, the recommendations that are presented tend to reiterate many of the most popular slogans in international development rhetoric, and do not necessarily draw on the empirical material or analysis of the chapter, but branch into other areas of policy for which little or no substantiation has been given. While the collection is empirically driven and lacks a unifying theoretical understanding, some chapters offer interesting discussions of often-neglected aspects of health in Tanzania.

References


This is a very intriguing book. The authors attempt to advance our knowledge and familiarity with Fair Trade. They define Fair Trade as a progressive movement that seeks to bring a sustainable and socially just future for society by altering the nature of trade to benefit those individuals who are adversely affected by the free trade regime. The book is divided into four parts to discuss the historical origins and challenges facing Fair Trade movements.

Part I expounds on the emergence of Fair Trade. The authors give a historical account and show Fair Trade is an intricately woven system of alternative trade organisations, certification groups, labelers and government agencies. The agro-food sector is shown to be the area in which Fair Trade is booming with sales in Fair Trade certified Coffee, Cocoa, Banana and Quinoa (a crop native to Bolivia) growing rapidly.

Part II discusses the evolution of Fair Trade in the northern hemisphere with a focus on Western Europe and the United States. The authors convincingly argue that consumer awareness via social movements has contributed significantly to the growth of Fair Trade in this part of the world. Using Starbucks as an example, the authors show that social image awareness is increasing for corporations and that this creates an opportunity for Fair Trade movements around the world to seek social justice from corporations. However, social awareness by corporations is detrimental to tenets of Fair Trade since, 'Fair Trade has been bastardized by its mainstreaming in shops and restaurants where most of the products sold are not ethically certified and where major ethical questions are being raised about other aspects of the firms’ business practices’ (p. 57). For example, the authors note that some supermarkets in the Global North only offer shelf space for Fair Trade products and are in no way related to Fair Trade activities. These supermarkets reap where they have not sown because they benefit from a ‘social brand built up through long years of activity by a core of Fair Trade supporters and consumers’, (p. 58) even though they may have in the past and continue to have in the present ethical issues surrounding their operations.

Part III of the book is perhaps the most exciting. It engages in discussion pertaining to the Global South. This part of the world has been and continues to be the most marginalised by Free Trade. The authors show that plantation agriculture and government participation in Fair Trade is common in this region. They ponder whether plantation agriculture undermines Fair Trade’s tenet of helping the poor farmer, and conclude the answer to this question is ambiguous. This is because even though plantations can help increase the amount of goods brought under Fair Trade, they detract from Fair Trade’s goal of helping small farmers. Government involvement is discussed using the cases of Brazil and South Africa. This involvement should not be misunderstood as government owning the farms but as government being actively engaged in Fair Trade via its public policy. The involvement takes the form advocated by modern Post-Keynesians wherein governments’ social programmes and activities work to ensure that social investment activities target the poor and underprivileged in society. The South African government’s Black Empowerment Initiative is shown by the authors to have redefined the nature of Fair Trade in that country. This redefinition was necessary given the deep racial divisions in South Africa and their economic manifestations in the ownership of land for example. The authors
credibly show that colonial history, culture and social divisions should be heeded if Fair Trade is to be successful in South Africa.

I find this book very interesting because it offers a fresh perspective on international trade. However, just like the authors, I agree that ‘the key challenges facing Fair Trade arise from the inherent contradictions embedded within this initiative’ (p. 223). If Fair Trade is truly an alternative position that seeks to bring about social justice, it must devise ways to protect itself from conventional economic theory’s Free Trade. It must perhaps do away with market-oriented approaches evident in some plantations. It must also avoid mainstreaming and perhaps adopt country-specific policies as in the case of South Africa. In short, Fair Trade must void itself of the mistakes of Free Trade if it is to achieve its goal of social justice in trade.


This book examines the nature of state capacity and development in the context of the current African crisis. The aim is to offer a plausible theoretical link between state legitimacy and economic development. The central argument underpinning the book is that effective policies and good governance are essential elements for development; furthermore, Africa’s crisis of development is to some extent a crisis of legitimacy. Englebert’s well-informed statistical analysis of Africa’s economic growth indicates that the continent has the worst economic record of all regions, raising the question of whether Africa could extricate herself from the prevailing economic stagnation. Africa’s crisis is tied to the question of state legitimacy – a phenomenon predicated on issues such as the politics of predation and prebendalism, rent seeking, administrative and institutional decay, ethnic polarisation, absence of social capital and the impact of structural adjustment. These multi-dimensional problems have severely weakened state capacity to evolve viable and robust policies for economic growth, reinforcing economic stagnation and the crisis of development. Englebert’s work offers an in-depth analysis of Africa’s crisis of legitimacy with emphasis on explaining the interface between economic growth and stagnation.

The book is divided into three parts. The first dwells extensively on conceptualising the nature of state capacity and development by providing a theoretical link between states’ developmental policies, good governance and economic growth. Comparative empirical studies show that efficient economic policies and good governance are inter-twined and enhance the developmental capacity of the state. Thus, development as a process is a function of viable economic policies and the quality of state institutions. Functional economic policies are manifested in government spending on productive investments: expenditure on education in order to build human capital, investment on infrastructure, which has powerful impact in the long-run on economic growth and development. Moreover, state institutions are strengthened through good governance, which creates a favourable environment for economic growth. For Englebert, realistic economic policies and strong state institutions are sine qua non for a developmental state, but seemingly, Africa lacks capacity for the realisation of these economic objectives due largely to political economy of decline and its peripheral position in the international political economy.

DOI: 10.1080/03056240902886190
Part two constitutes the strength of the book by offering an in-depth explanation of the nature of Africa’s capacity crisis through a systematic application of ‘social capital and ethnic heterogeneity theory’. Englebert argues that social capital theory as a sociological approach to the understanding of development is a vital ‘civic culture’ that contributes to political and economic development. Social capital theory enables explanation of a country’s processes of social organisation, as well as cohesion, trust, norms and social networks that enhances the functional efficiency of society by stimulating organised action. By contrast, in ethnically fragmented societies, political elites tend to foster the interests of their ethnic groups against national interests. This leads to the adoption of policies that are inimical to growth and weaken the quality of state institutions, as state resources are channelled into private social relations. Therefore, social capital and ethnic heterogeneity theories of African stagnation serve as important explanatory variables for understanding Africa’s capacity crisis, and the findings of this book attribute the current crisis of development and legitimacy in large part to the inability of the continent to effectively respond to the international economic environment and to ethnic fragmentation.

Part three of the book assesses the theory of developmental legitimacy by using comparative empirical analysis globally. State legitimacy is seen as a clear reflection of the impacts of history, or put differently, most post-colonial states are characterised by political illegitimacy due largely to the ‘clash’ between pre-colonial and post-colonial institutions. Thus, Africa differs from the rest of the world due to what Englebert describes as lack of ‘social endogenity of state structures and of the historical continuity of institutions’ (p. 143). The most considerable analysis in this section is the in-depth explanations on the effects of state legitimacy on growth in Africa, which indicates how low legitimacy has weakened Africa’s developmental capacity. The book ends with a superb analysis of the nature of state transition in Africa. Englebert suggests that lack of state legitimacy is at ‘the core of the developmental failure of many African states’. Furthermore, propensity towards neo-patrimonialism, the failure of structural adjustment policies and the lack of public sector reform challenged the very existence and nature of the African state.

My main criticism of Englebert’s work centres on three issues. First, his use of social capital theory is not explicit in relation to the understanding of developmental and capacity crisis in Africa, in that the theory is not relevant within the context of African politics. Second, the valorisation of social capital theory in recent social science research by the neo-liberal institutions (IMF/World Bank) in their re-developed development policy prescriptions has to some extent also exposed the flawed nature of the theory vis-à-vis Africa’s crisis of development, especially when viewed within the context of the failure of the neo-liberal project in Africa. In other words, the basic assumption of the theory is to some extent deeply-rooted in neo-liberal values. Finally, the author has not critically challenged the current iniquitous nature of the international political economy, which peripheralised and reinforced Africa’s crisis of development as argued by many scholars working from a more neo-imperial, dependency or underdevelopment perspective. These criticisms aside, Englebert’s book is a significant addition to the discussion of the state in Africa.

Almost a decade ago this journal published a special issue on drugs and drug ‘control’ in Africa. At the time it was one of the very few general sources on this theme, and soon after one of these – the reports of the Paris OGD (Observatoire Generale de Drogue) – ceased publication. Now we have two books on just one drug, khat (‘miraa’ in Kenya), each copiously referenced and a tribute to the work of younger researchers. Like the special issue, each explores a large range of issues – well expressed in Carrier’s phrase ‘the social life of a stimulant’ – from the pharmacology of the drug itself, through its production, its social, cultural and economic impact, to political and social issues arising from its use. Here we re-enter the area of control and its justification, both in Africa and elsewhere, since khat has become a global commodity, minor, but widespread; a few minutes on the Internet will yield several sites offering bundles of khat, albeit at rather high prices.

The two studies differ in scope and style, Anderson et al. covering the Horn and East Africa from a variety of social science and anthropological perspectives, providing us, in its own words, with the ‘first analytical study of the chain of production, distribution and transnational consumption of khat’. Carrier’s absurdly costly book is almost wholly about Kenya, and at root a piece of cultural ethnography. However, both are part of a larger study, the ESRC funded ‘Cultures of Consumption’ project headed by Prof. Frank Trentmann, and they do integrate neatly. This is just as well, for Carrier’s book is substantially empirical in content, often reading like well-ordered (and entertaining) field notes, and avoiding much analytical digression, even in the introduction and conclusion. The one chapter that does not fit this pattern, on ‘Miraa (khat) and the War on Drugs’, is more of an opinion piece, well founded and argued, but less scholarly in conception. What Carrier does do very well is to flesh out the lines of analysis and argument in the other study, often with vivid and insightful examples. Each study needs the other to work best, as the discussions of the cultural context of khat consumption, and of the role of trust in its trade demonstrate: Carrier’s accounts are essential to grounding and assessing the many references to these themes in Anderson et al.

Khat consists of leafy twigs from bushes and mature trees of *Catha edulis*, available in a great variety of qualities and styles, and consumed by chewing the leaves, tips and bark of the twig, which releases the alkaloids cathinone and cathine (plus others), promoting euphoria and alertness – and an urge to talk to others. It is used as part of many rituals, to aid and enhance social interaction, to stay awake and alert, or simply to ease physical labour (by, for example, farmers). It occurs wild quite widely, but is cultivated mainly in Ethiopia and Kenya, and consumed mainly by Yemenis, Ethiopians, Somalis, Kenyans and other East Africans,
both at home and abroad. Somalis are perhaps the best known expatriate consumers, and the focus of much of the less sympathetic literature on khat.

While Carrier concentrates on the Nyambene hills north of Mount Kenya and various subgroups of Meru involved in the world of ‘miraa’, Anderson et al. provide half a dozen area studies from the Horn and East Africa, and several chapters on responses to khat use in Britain and the US. However, the two studies have a similar focus and a similar account of khat. Unlike most cash crops with an export market, production is a local initiative providing a range of modest incomes rather than promoting concentration of wealth. As a result, and because demand and price tend to fluctuate upwards, it has displaced externally-imposed cash crops like coffee, notably in Ethiopia and the Nyambenes. In both areas the trade is controlled by local actors, although what defines ‘local’ depends on the final market – it is Meru who distribute miraa through Kenya, but Somalis who fly it to Britain and then sell it. The market, too, is ‘local’: few non-Africans or non-Yemenis chew, whether we are talking of Minnesota or Manchester. When it occurs, it tends to be a fad – it is, after all, too much like hard work; if drinking a pint of beer involved two and half hours of steady labour, there would be very few breweries in Britain. The trade is relatively easy to enter, provides good earnings where risk is reduced by high levels of trust, and shows an impressive degree of organisation, necessary if your product is as perishable as an orchid. Carrier is best on these aspects, although I would like to have seen more discussion from him of ‘trust’ from an anthropological standpoint.

Consumption patterns are central to both books. The meaning of consumption, and thus its means and impact depend on the cultural context, whether we are considering a gift of miraa to Meru elders, an evening of chewing among old friends in Mombasa, or a session in a cafe in Southall for casually employed Somali refugees. Its use is thus defined and contained by those contexts, which impart meanings having to do with identity, conviviality and the (re)assertion of culture, rather than addiction and victimhood. Thus khat is not best seen as a weak version of a ‘dangerous drug’, but as more akin to alcohol – widely used in culturally defined contexts but open to abuse, and whose damaging effects worsen the conditions that led to abuse, rather than causing them.

In the drug issue of the journal in 1999, the editorial argued that:

The international agencies concerned with drugs focus largely on ‘enforcement’ aspects – the control, detection and punishment of those who produce, trade and consume drugs. Their perspective tends to subsume all drug production and use under one narrow ‘trafficking’ model that has low standards of evidence; that is far more concerned with the interests of final consumer countries than those of Africans or African governments; and whose conception of enforcement is akin to that of the American ‘War on Drugs’. These perspectives interact with a picture of the nature of African societies, economies and political systems that is at best crude or naive, reminiscent of the worst international reporting of African crises and disasters.

Since then the ‘War on Terror’ has superseded and incorporated that on drugs. Khat, having been earlier accorded the same status as cocaine in the demonology of US Drug Enforcement Agency, has now become one of the supposed financial conduits for al-Qaeda, just as Somalia became one its leadership’s supposed hideouts. It was perhaps embarrassing for the US government and the band of tame academics and analysts who write on Somalia and the ‘Islamist menace’ when the Union of Islamic Courts in Mogadishu announced a (very unpopular)
ban on khat – a ban then eliminated by warlords backed by the US.

The volume by Anderson et al. presents itself as a case critique of such repressive/punitive responses to khat, whether in Africa or elsewhere, arguing that it is essentially self-policing, and that seeing it as a threat, and especially banning it (as in the US, but not Britain) is to risk its criminalisation with a rise in prices and the creation of the very features that were used to justify the ban. Their argument, as the similar plea from Carrier, is well made, but might have been strengthened by more comparative material – indeed there is a general thinness of comparative argument in both volumes. One product that suggests itself is the other ‘drug’ grown by Africans – cannabis, produced in Morocco for centuries and for the EU market since 1980, with Morocco now the main supplier to Europe. It has similarities historically with khat (production, cultural context of consumption, extent of use, shift to cash crop status, etc.), but now might best be seen as representing the future that Anderson et al. fear awaits khat: expansion of external markets, loss of control by Africans of distribution and marketing, demonisation as a ‘dangerous drug’ and criminalisation.

As it is, what these studies show is that so far at least, Khat is unlike other ‘drugs’ (even alcohol and tobacco). It is bulky to distribute (much more so than cannabis), it decays in a few days due to the instability of cathinone, has limited consumer pools, is controlled largely by nationals of producer areas, and does not generate exceptional or criminal incomes (with the possible exception of Somalia). Hence it is neither linked to criminal activities such as money laundering, nor – despite US paranoia – to ‘terrorism’. Nor in any sense is it a ‘conflict drug’ akin to ‘conflict diamonds’ or the Congo’s mineral resources, or cocaine.

If one were to offer a more direct contemporary comparison than that with cannabis it would not be with tobacco or alcohol, salutary though such parallels may be. It would be with betel nut chewing, another laborious activity based around a product that still remains substantially in local hands, which relies on the slow and modest release of alkaloids, and which has remarkably similar physical effects, as well as cultural embeddedness. Thus the Wikipedia entry (lacking in supportive citations, not that these are unavailable), reads: ‘(the nuts) can be chewed for their effects as a mildly euphoric stimulant, attributed to the presence of relatively high levels of psychoactive alkaloids and terpeneols. Chewing it increases the capacity to work, also causes a hot sensation in the body, heightened alertness and sweating. It should be noted effect of chewing few betel nuts is milder than drinking a cup of coffee.’ Now that is a real threat to world peace.

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Editing a collective volume, especially one stemming from a conference, can be a thankless task, and one should not make inappropriate demands of such volumes, or their editors. In this case the conference was over four years ago, and the editors have made a considerable effort to provide us with a long introduction, reviewing debates over the origins of conflict and its relation to the key resources of land and water, with particular attention to ethnicity/identity and theories, offering the popular but essentially commonsense (and hence suspect) argument that growing resource
scarcity causes resource-based conflicts. This very useful piece has – unfortunately but perhaps inevitably – not guided the contributions. Nonetheless, we can ask to what extent the text does help us understand ‘conflicts over land and water’; and there we have problems.

The contributors, mainly African and Scandinavian scholars with considerable field experience, provide us in the great majority of cases with narrowly conceived and highly localised case studies which though interesting and informative in their own right do not allow much consideration of broader themes. A second form of narrowness has the same effect: ‘conflict’ in many of the pieces could as readily be rendered as ‘(potential) conflict of interest’, or ‘competition’ where land – or better access to land – is concerned. Thus we learn more about land tenure and land access arrangements than about conflicts arising (if indeed they do), notably from contributions from Amanor (on shifts in land rights and the role of contestation and negotiation in southern Ghana) and Toulmin (on secondary rights to access in West Africa).

However, the introduction and four of the contributions are explicitly identified as concerned with violent conflict, with case studies on Zimbabwe, Burkina Faso, Tanzania and Kenya’s drylands. With one exception they do not come to grips with broad themes, that exception being Derman and Hellum’s study of the land invasions in Zimbabwe – and this ends by reminding us that even when conflict involves land, it need not be just about land, for they see the source of the invasions as the protection of political power and access to corruption. Apart from the difficulties of making case studies serve broad themes, and the related absence of much comparative discussion, there is a pair of problems with the notion of ‘conflict’. It is first too vague and all-encompassing to serve as an organising concept, as the range of the situations discussed in the collection makes clear. Thus Witsenberg and Roba’s generally excellent piece on access to water in Marsabit District in Kenya, one which does take up general themes in using their case study to clarify and illuminate theories linking violent conflict to resource scarcity and then to show elegantly why they are deficient, runs into difficulties with changes in types of conflict over time. Can we really assume that cattle raids, now less common than in the colonial period, and much more recent skirmishes between troops from the Kenyan and Ethiopian armies are equally and usefully instances of ‘conflict’?

In turn, a second problem arises, for the nature of a conflict is in part at least formed by its general political context, and notably the nature of the political dynamic – the development of the political system – which both creates and changes that context. A study of Darfur, had it been possible, would have clarified this, since the degeneration of the Sudanese political system, and the resultant more recent phase of the civil war, have transformed the nature of cattle raiding (among other forms of violence) as well as introducing wholly new instances of conflict over land and water access.

Why then spend time with this volume? Every piece has its merits and something to teach us, but several stand out. The introduction provides a painstaking examination of a large body of material on resource scarcity and conflict, on ethnicity and violence, and on issues relating to identity and land. Amanor offers a critique of the conception of a largely customary basis to land tenure, which he sees as an ideological construct rooted in incorporation into the colonial economic system. He then shows us the actual processes through which land rights in Ghana have changed over time, through a careful historical study. Toulmin reminds us of the significance of derived land rights, defined as ‘the range of formal and informal contracts through
which people gain access to land for cultivation from those outside their family group’, and which are ‘very dynamic in form and content’. Derman and Hellum, and Witsenberg and Roba I have already mentioned, although it is worth adding that the quality of the latter makes it all the more regrettable that it was the sole piece on water access. This issue has become of growing importance, and is especially prone to naive ‘scarcity breeds conflict’ interpretations, with predictions of ‘water wars’. It also raises questions about neoliberal economic policies, with both land registration and water privatisation being themselves potential roots of conflict, as well as of intensified poverty.

Sadly Chris Allen passed away in September 2008. He was a valued member of ROAPE editorial working group in the 1990s. A future issue will carry a tribute to his work and contribution to the journal.


Stuffed and Starved is not about the industrial North and developing South divide. It addresses the class divide across the globe of those who have enough to eat versus the chronically hungry; what is well documented in this book is that neither group has control over food choices. As we are reminded almost daily, what we buy in the supermarket or in restaurants looks nothing like what our great-grandparents ate, whether in Europe, the US or India. We are all the poorer for it: malnutrition of the obese and of the hungry, polluted water and soils, loss of agricultural biodiversity.

Patel is an excellent story teller. His real-life tales bring us closer to the fields and tables of farmers and consumers, as the ‘book travels the length of the world food system’ (p. 18). The writing is accessible beyond the academic community, but it would have been easier to digest beyond the graphic details if Patel had paused more often to summarise, for example, exactly what Cecil John Rhodes has in common with Archer Daniel Midlands. If you assign the book for class, your students will have to do the linking back from the rich stories to political economy theories about corporate control over food production, marketing and consumption – as well as resistance to that control all along the commodity chains.

One of the many strengths of the book is that it relates stories about global food production and consumption in Brazil to India to South Africa. The crop (soya in Brazil versus corn in Mexico) may vary, as well as the ecological and financial climate, but the food system remains global. For decades, agribusiness has controlled the US food commodity chain from field to fork, and now with the help of trade agreements such as NAFTA and the WTO, the reach is global. As Patel relates with empirical data and diagrams, the oligopoly control influences government domestic and foreign policy (the link of Rhodes who helped to drive the British imperial command over Southern Africa to Archer Daniel Midlands and Cargill who design the US grain empire). Sometimes the policy is direct (General Marshall making sure US troops in Europe had enough Coca Cola, p. 258) and sometimes indirect (shipping genetically-modified corn as food aid to Southern Africa in 2001, pp. 149–150).

Reinforcing the analysis that distribution and the ability to access food provide feast or famine, Patel addresses the absurdity of advocating technology as a

DOI: 10.1080/03056240902886166
way to fix these problems, such as in the ‘green revolution’. Although yields did increase as much as five times in India, over a period of 20 years (p. 124), the costs of the new seed varieties were too high. In some areas of the green revolution, ground water dropped over a foot. (p. 125). The number of smallholdings fell by a quarter in the Punjab (p. 126), for small-scale farmers sold their land to cover debt for the purchase of seed, fertilisers and pesticides. Pollution of the soil and water is serious. Patel calls for us to compare the increased yields at high environmental and social costs, not with previous yields but rather, with other areas where farming was collectively and socially organised to profit the smallholder while keeping the cost of food down. Without a green revolution, Kerala reduced infant mortality rates and increased life expectancy. As many have long demonstrated, political solutions more than technology are necessary to end hunger (and obesity), a message that the Gates/Rockefeller Foundations are ignoring in proposing yet another ‘green revolution’ (with patenting of seeds) for Africa.

Patel relies on the profit motive to explain the consolidation of productive forces as well as the introduction of pseudo-foods that make us fat. Of course that drive is central, but to effectively organise resistance we also need to understand the other goals. For example, control over genetic resources (patenting of plants) probably has more to do with blocking future competition, rather than current profit, for the expenditures for genetically modifying seed and patenting are high. Taking resources (land, water, seed) away from farmers brings profits, but it involves a complex process (of proletarianisation), different from the enclosure movement of Europe. Contract farming, for example, means that imperialism no longer needs direct control over land for food production. What does that mean for land reform in Brazil, in Southern Africa? Does it make it easier or harder? We must understand these processes in order to know who has what resources left to resist.

Patel fully describes the MST (Movimento dos Trabalhadores rurais Sem Terra) in Brazil as an exemplary social movement: The MST ‘is in the business not only of producing new kinds of farming, but new kinds of people’ (p. 205). He cites the lessons they have learned from other movements, such as education for production and self-governance paying attention to gender equity. They have links with several universities to send their children to higher education. The key ‘has been the political and social reconstruction and re-education of its members’ (p. 211), and they are trying to be self-financing (p. 212). However, for those with experience with ujamaa in Tanzania or production cooperatives in Mozambique, it sounds all too familiar and we need more complex analysis before we can agree that the MST is avoiding fatal errors.

This book offers current examples that shock and disturb even for those familiar with control over the global food system. The concrete suggestions in the last chapter do not stop with how to change our shopping habits (‘consumer lite’), but remind us that unless we organise for workers’ living wages and rights, and for transformation of rural life, we are wasting our time shopping organic.
The purpose of this book is to link changes in health – including health status, health seeking behaviour and health care provision – with social change in Tanzania. Its contributors span public health, medicine and anthropology and 11 out of 19 are primarily affiliated to the University of Dar es Salaam. This volume of considerable length (14 chapters plus an introduction and conclusion) provides a valuable documentation of many aspects of health care and illness in Tanzania.

The book is divided into four thematic areas: youth; reproductive health and HIV/AIDS; mental health; and poverty and the political economy of health. The constituent chapters could be useful for students of the respective themes with a focus on Tanzania or East Africa more generally, as they provide, albeit somewhat unevenly, a general overview of the official statistical data, the health care services and some case-study material relevant to the topic. However, the book is limited in that most of the chapters focus on the period of intensive structural adjustment reforms and their early repercussions, before the emphasis on sector support or widespread AIDS treatment.

The discussion on youth and health begins with an overview of the situation as exemplified by public statistics and some secondary literature. Chapter one raises worthwhile questions about the limited notions of ‘sex’ and ‘sexual activities’ in most studies of sexual behaviour. Chapter three provides previously unpublished data from a case study of schools in Rombo District, which indicates the importance of mass media and fathers in providing information on sexual and reproductive health. It also points to the reluctance of teachers to engage in sex education, but this should not be surprising given the previous books on other Kilimanjaro districts by Setel (1999), Stambach (2000), and Vavrus (2003). The reduction of health concerns to preventing AIDS, STDs and unwanted pregnancy is not challenged in this book. We are left wondering about the importance of other health issues for youth, such as mental health problems discussed later in the book. The chapters reiterate some of the good classic literature on youth, HIV/AIDS, and mobility. Chapter four argues that it is necessary to differentiate between youth ‘as a problem’ and the ‘problems’ of youth; some of the contributors to this volume are more successful in holding to this commitment than others.

Part two on reproductive health and HIV/AIDS is the least coherent part of the text. Many of the issues in this section were already introduced in the previous chapters on ‘youth’. Reproductive health is completely eclipsed by the discussion of HIV/AIDS. While the overviews given on AIDS in the country and HIV decline in Kagera Region are helpful, if descriptive, they could have been more usefully placed to introduce and make explicit one of the book’s premises: that AIDS is defining the landscape of public health issues in Tanzania.

Part three on mental health is more interesting as the chapters recognise the role of various forms of healing as constituting a response to public health problems. Chapter eight presents a convincing argument that mental health is under-prioritised in the Third World, and is one of the rare places in the book where the actual health care system in Tanzania is brought under consideration. Chapters ten and eleven describe important, understudied issues, but contain considerable overlap and repetition. Chapter nine attempts to link poverty and mental illness, but does not actually succeed in doing so. This
chapter has a striking example of drawing prescriptions that relate exclusively to the author’s ideological stance and not at all to the data from this chapter or the rest of the book. The recommended solution to Tanzania’s mental health problems is ‘more active family planning programs nationally to decrease its current annual population growth’ (p. 207). The fact that such a statement is written by a medical expert and collaborator in this book is perhaps the strongest criticism of section two where the relationship between reproductive health and rights, family planning programmes, population growth and development should have been elaborated.

The final section on poverty and the political economy of health contains a reprint of a valuable, but now historical article from this journal on the impact of SAPs on health. Chapter thirteen is a descriptive case study of maids in Dar es Salaam, which provides some interesting case material, but could have benefited significantly from engagement with the large literature on gender issues in health and employment in Tanzania. Chapter fourteen should have articulated the purpose of the volume, to conceptualise the ‘new public health,’ emphasising interdisciplinarity and a human rights perspective in the case of Tanzania. However, it actually offers little beyond a broad-brush critique of ‘globalisation’ painted through disparate eye-catching quotations and statistics with no explicit connection to Tanzania. Certainly an effective critique of globalisation processes and local impacts is needed, but this requires more than just ‘sobering statistics’: an analysis needs to be made that links the meaning of the Pochantas pajamas in Haiti to the limited availability of drugs in the dispensary in Mlali. The functioning of structural violence has been skillfully demonstrated for the case of Haiti in Farmer’s (1999) work, and in global HIV/AIDS in Stillwaggon’s (2005) work, it would be commendable if the authors in this volume could take up the articulation of structural violence in the Tanzanian health context.

With perhaps a more cohesive editorial sharpening, this book could have been an informative perspective on the current highly politicised debate over the linkages between AIDS and poverty. Updates on some of the chapters could be invaluable for charting the changes on issues such as AIDS treatment (what are the impacts of ARV roll-out?), urban hygiene and policing (what has happened to the ‘children of the street’ when their ‘safe spaces’ are declared unlawful?), and traditional medicine (has the Chama cha Waganga na Wakunga wa Tiba Asilia Tanzania (CHAWATIATA), the Tanzania Traditional Health Practitioners Association, become a recognised actor in providing public health services?). The overriding imperative for promoting social improvement, as represented by the concluding section of many chapters entitled ‘What Needs to be Done?’ is commendable from an activist text; however, the recommendations that are presented tend to reiterate many of the most popular slogans in international development rhetoric, and do not necessarily draw on the empirical material or analysis of the chapter, but branch into other areas of policy for which little or no substantiation has been given. While the collection is empirically driven and lacks a unifying theoretical understanding, some chapters offer interesting discussions of often-neglected aspects of health in Tanzania.

References


This is a very intriguing book. The authors attempt to advance our knowledge and familiarity with Fair Trade. They define Fair Trade as a progressive movement that seeks to bring a sustainable and socially just future for society by altering the nature of trade to benefit those individuals who are adversely affected by the free trade regime. The book is divided into four parts to discuss the historical origins and challenges facing Fair Trade movements.

Part I expounds on the emergence of Fair Trade. The authors give a historical account and show Fair Trade is an intricately woven system of alternative trade organisations, certification groups, labelers and government agencies. The agro-food sector is shown to be the area in which Fair Trade is booming with sales in Fair Trade certified Coffee, Cocoa, Banana and Quinoa (a crop native to Bolivia) growing rapidly.

Part II discusses the evolution of Fair Trade in the northern hemisphere with a focus on Western Europe and the United States. The authors convincingly argue that consumer awareness via social movements has contributed significantly to the growth of Fair Trade in this part of the world. Using Starbucks as an example, the authors show that social image awareness is increasing for corporations and that this creates an opportunity for Fair Trade movements around the world to seek social justice from corporations. However, social awareness by corporations is detrimental to tenets of Fair Trade since, ‘Fair Trade has been bastardized by its mainstreaming in shops and restaurants where most of the products sold are not ethically certified and where major ethical questions are being raised about other aspects of the firms’ business practices’ (p. 57). For example, the authors note that some supermarkets in the Global North only offer shelf space for Fair Trade products and are in no way related to Fair Trade activities. These supermarkets reap where they have not sown because they benefit from a ‘social brand built up through long years of activity by a core of Fair Trade supporters and consumers’, (p. 58) even though they may have in the past and continue to have in the present ethical issues surrounding their operations.

Part III of the book is perhaps the most exciting. It engages in discussion pertaining to the Global South. This part of the world has been and continues to be the most marginalised by Free Trade. The authors show that plantation agriculture and government participation in Fair Trade is common in this region. They ponder whether plantation agriculture undermines Fair Trade’s tenet of helping the poor farmer, and conclude the answer to this question is ambiguous. This is because even though plantations can help increase the amount of goods brought under Fair Trade, they detract from Fair Trade’s goal of helping small farmers. Government involvement is discussed using the cases of Brazil and South Africa. This involvement should not be misunderstood as government owning the farms but as government being actively engaged in Fair Trade via its public policy. The involvement takes the form advocated by modern Post-Keynesians wherein governments’ social programmes and activities work to ensure that social investment activities target the poor and underprivileged in society. The South African government’s Black Empowerment Initiative is shown by the authors to have redefined the nature of Fair Trade in that country. This redefinition was necessary given the deep racial divisions in South Africa and their economic manifestations in the ownership of land for example. The authors
credibly show that colonial history, culture and social divisions should be heeded if Fair Trade is to be successful in South Africa.

I find this book very interesting because it offers a fresh perspective on international trade. However, just like the authors, I agree that ‘the key challenges facing Fair Trade arise from the inherent contradictions embedded within this initiative’ (p. 223). If Fair Trade is truly an alternative position that seeks to bring about social justice, it must devise ways to protect itself from conventional economic theory’s Free Trade. It must perhaps do away with market-oriented approaches evident in some plantations. It must also avoid mainstreaming and perhaps adopt country-specific policies as in the case of South Africa. In short, Fair Trade must void itself of the mistakes of Free Trade if it is to achieve its goal of social justice in trade.


This book examines the nature of state capacity and development in the context of the current African crisis. The aim is to offer a plausible theoretical link between state legitimacy and economic development. The central argument underpinning the book is that effective policies and good governance are essential elements for development; furthermore, Africa’s crisis of development is to some extent a crisis of legitimacy. Englebert’s well-informed statistical analysis of Africa’s economic growth indicates that the continent has the worst economic record of all regions, raising the question of whether Africa could extricate herself from the prevailing economic stagnation. Africa’s crisis is tied to the question of state legitimacy – a phenomenon predicated on issues such as the politics of predation and prebendalism, rent seeking, administrative and institutional decay, ethnic polarisation, absence of social capital and the impact of structural adjustment. These multi-dimensional problems have severely weakened state capacity to evolve viable and robust policies for economic growth, reinforcing economic stagnation and the crisis of development. Englebert’s work offers an in-depth analysis of Africa’s crisis of legitimacy with emphasis on explaining the interface between economic growth and stagnation.

The book is divided into three parts. The first dwells extensively on conceptualising the nature of state capacity and development by providing a theoretical link between states’ developmental policies, good governance and economic growth. Comparative empirical studies show that efficient economic policies and good governance are intertwined and enhance the developmental capacity of the state. Thus, development as a process is a function of viable economic policies and the quality of state institutions. Functional economic policies are manifested in government spending on productive investments: expenditure on education in order to build human capital, investment on infrastructure, which has powerful impact in the long-run on economic growth and development. Moreover, state institutions are strengthened through good governance, which creates a favourable environment for economic growth. For Englebert, realistic economic policies and strong state institutions are **sine qua non** for a developmental state, but seemingly, Africa lacks capacity for the realisation of these economic objectives due largely to political economy of decline and its peripheral position in the international political economy.
Part two constitutes the strength of the book by offering an in-depth explanation of the nature of Africa’s capacity crisis through a systematic application of ‘social capital and ethnic heterogeneity theory’. Englebert argues that social capital theory as a sociological approach to the understanding of development is a vital ‘civic culture’ that contributes to political and economic development. Social capital theory enables explanation of a country’s processes of social organisation, as well as cohesion, trust, norms and social networks that enhances the functional efficiency of society by stimulating organised action. By contrast, in ethnically fragmented societies, political elites tend to foster the interests of their ethnic groups against national interests. This leads to the adoption of policies that are inimical to growth and weaken the quality of state institutions, as state resources are channeled into private social relations. Therefore, social capital and ethnic heterogeneity theories of African stagnation serve as important explanatory variables for understanding Africa’s capacity crisis, and the findings of this book attribute the current crisis of development and legitimacy in large part to the inability of the continent to effectively respond to the international economic environment and to ethnic fragmentation.

Part three of the book assesses the theory of developmental legitimacy by using comparative empirical analysis globally. State legitimacy is seen as a clear reflection of the impacts of history, or put differently, most post-colonial states are characterised by political illegitimacy due largely to the ‘clash’ between pre-colonial and post-colonial institutions. Thus, Africa differs from the rest of the world due to what Englebert describes as lack of ‘social endogeneity of state structures and of the historical continuity of institutions’ (p. 143). The most considerable analysis in this section is the in-depth explanations on the effects of state legitimacy on growth in Africa, which indicates how low legitimacy has weakened Africa’s developmental capacity. The book ends with a superb analysis of the nature of state transition in Africa. Englebert suggests that lack of state legitimacy is at ‘the core of the developmental failure of many African states’. Furthermore, propensity towards neo-patrimonialism, the failure of structural adjustment policies and the lack of public sector reform challenged the very existence and nature of the African state.

My main criticism of Englebert’s work centres on three issues. First, his use of social capital theory is not explicit in relation to the understanding of developmental and capacity crisis in Africa, in that the theory is not relevant within the context of African politics. Second, the valorisation of social capital theory in recent social science research by the neo-liberal institutions (IMF/World Bank) in their re-developed development policy prescriptions has to some extent also exposed the flawed nature of the theory vis-à-vis Africa’s crisis of development, especially when viewed within the context of the failure of the neo-liberal project in Africa. In other words, the basic assumption of the theory is to some extent deeply-rooted in neo-liberal values. Finally, the author has not critically challenged the current iniquitous nature of the international political economy, which peripheralised and reinforced Africa’s crisis of development as argued by many scholars working from a more neo-imperial, dependency or underdevelopment perspective. These criticisms aside, Englebert’s book is a significant addition to the discussion of the state in Africa.
Almost a decade ago this journal published a special issue on drugs and drug ‘control’ in Africa. At the time it was one of the very few general sources on this theme, and soon after one of these – the reports of the Paris OGD (Observatoire Generale de Drogue) – ceased publication. Now we have two books on just one drug, khat (‘miraa’ in Kenya), each copiously referenced and a tribute to the work of younger researchers. Like the special issue, each explores a large range of issues – well expressed in Carrier’s phrase ‘the social life of a stimulant’ – from the pharmacology of the drug itself, through its production, its social, cultural and economic impact, to political and social issues arising from its use. Here we re-enter the area of control and its justification, both in Africa and elsewhere, since khat has become a global commodity, minor, but widespread; a few minutes on the Internet will yield several sites offering bundles of khat, albeit at rather high prices.

The two studies differ in scope and style, Anderson et al. covering the Horn and East Africa from a variety of social science and anthropological perspectives, providing us, in its own words, with the ‘first analytical study of the chain of production, distribution and transnational consumption of khat’. Carrier’s absurdly costly book is almost wholly about Kenya, and at root a piece of cultural ethnography. However, both are part of a larger study, the ESRC funded ‘Cultures of Consumption’ project headed by Prof. Frank Trentmann, and they do integrate neatly. This is just as well, for Carrier’s book is substantially empirical in content, often reading like well-ordered (and entertaining) field notes, and avoiding much analytical digression, even in the introduction and conclusion. The one chapter that does not fit this pattern, on ‘Miraa (khat) and the War on Drugs’, is more of an opinion piece, well founded and argued, but less scholarly in conception. What Carrier does do very well is to flesh out the lines of analysis and argument in the other study, often with vivid and insightful examples. Each study needs the other to work best, as the discussions of the cultural context of khat consumption, and of the role of trust in its trade demonstrate: Carrier’s accounts are essential to grounding and assessing the many references to these themes in Anderson et al.

Khat consists of leafy twigs from bushes and mature trees of Catha edulis, available in a great variety of qualities and styles, and consumed by chewing the leaves, tips and bark of the twig, which releases the alkaloids cathinone and cathine (plus others), promoting euphoria and alertness – and an urge to talk to others. It is used as part of many rituals, to aid and enhance social interaction, to stay awake and alert, or simply to ease physical labour (by, for example, farmers). It occurs wild quite widely, but is cultivated mainly in Ethiopia and Kenya, and consumed mainly by Yemenis, Ethiopians, Somalis, Kenyans and other East Africans,
both at home and abroad. Somalis are perhaps the best known expatriate consumers, and the focus of much of the less sympathetic literature on khat.

While Carrier concentrates on the Nyambene hills north of Mount Kenya and various subgroups of Meru involved in the world of ‘miraa’, Anderson et al. provide half a dozen area studies from the Horn and East Africa, and several chapters on responses to khat use in Britain and the US. However, the two studies have a similar focus and a similar account of khat. Unlike most cash crops with an export market, production is a local initiative providing a range of modest incomes rather than promoting concentration of wealth. As a result, and because demand and price tend to fluctuate upwards, it has displaced externally-imposed cash crops like coffee, notably in Ethiopia and the Nyambenes. In both areas the trade is controlled by local actors, although what defines ‘local’ depends on the final market – it is Meru who distribute miraa through Kenya, but Somalis who fly it to Britain and then sell it. The market, too, is ‘local’: few non-Africans or non-Yemenis chew, whether we are talking of Minnesota or Manchester. When it occurs, it tends to be a fad – it is, after all, too much like hard work; if drinking a pint of beer involved two and half hours of steady labour, there would be very few breweries in Britain. The trade is relatively easy to enter, provides good earnings where risk is reduced by high levels of trust, and shows an impressive degree of organisation, necessary if your product is as perishable as an orchid. Carrier is best on these aspects, although I would like to have seen more discussion from him of ‘trust’ from an anthropological standpoint.

Consumption patterns are central to both books. The meaning of consumption, and thus its means and impact depend on the cultural context, whether we are considering a gift of miraa to Meru elders, an evening of chewing among old friends in Mombasa, or a session in a cafe in Southall for casually employed Somali refugees. Its use is thus defined and contained by those contexts, which impart meanings having to do with identity, conviviality and the (re)assertion of culture, rather than addiction and victimhood. Thus khat is not best seen as a weak version of a ‘dangerous drug’, but as more akin to alcohol – widely used in culturally defined contexts but open to abuse, and whose damaging effects worsen the conditions that led to abuse, rather than causing them.

In the drug issue of the journal in 1999, the editorial argued that:

The international agencies concerned with drugs focus largely on ‘enforcement’ aspects – the control, detection and punishment of those who produce, trade and consume drugs. Their perspective tends to subsume all drug production and use under one narrow ‘trafficking’ model that has low standards of evidence; that is far more concerned with the interests of final consumer countries than those of Africans or African governments; and whose conception of enforcement is akin to that of the American ‘War on Drugs’. These perspectives interact with a picture of the nature of African societies, economies and political systems that is at best crude or naïve, reminiscent of the worst international reporting of African crises and disasters.

Since then the ‘War on Terror’ has superseded and incorporated that on drugs. Khat, having been earlier accorded the same status as cocaine in the demonology of US Drug Enforcement Agency, has now become one of the supposed financial conduits for al-Qaeda, just as Somalia became one its leadership’s supposed hideouts. It was perhaps embarrassing for the US government and the band of tame academics and analysts who write on Somalia and the ‘Islamist menace’ when the Union of Islamic Courts in Mogadishu announced a (very unpopular)
ban on khat – a ban then eliminated by warlords backed by the US.

The volume by Anderson et al. presents itself as a case critique of such repressive/punitive responses to khat, whether in Africa or elsewhere, arguing that it is essentially self-policing, and that seeing it as a threat, and especially banning it (as in the US, but not Britain) is to risk its criminalisation with a rise in prices and the creation of the very features that were used to justify the ban. Their argument, as the similar plea from Carrier, is well made, but might have been strengthened by more comparative material – indeed there is a general thinness of comparative argument in both volumes. One product that suggests itself is the other ‘drug’ grown by Africans – cannabis, produced in Morocco for centuries and for the EU market since 1980, with Morocco now the main supplier to Europe. It has similarities historically with khat (production, cultural context of consumption, extent of use, shift to cash crop status, etc.), but now might best be seen as representing the future that Anderson et al. fear awaits khat: expansion of external markets, loss of control by Africans of distribution and marketing, demonisation as a ‘dangerous drug’ and criminalisation.

As it is, what these studies show is that so far at least, Khat is unlike other ‘drugs’ (even alcohol and tobacco). It is bulky to distribute (much more so than cannabis), it decays in a few days due to the instability of cathinone, has limited consumer pools, is controlled largely by nationals of producer areas, and does not generate exceptional or criminal incomes (with the possible exception of Somalia). Hence it is neither linked to criminal activities such as money laundering, nor – despite US paranoia – to ‘terrorism’. Nor in any sense is it a ‘conflict drug’ akin to ‘conflict diamonds’ or the Congo’s mineral resources, or cocaine.

If one were to offer a more direct contemporary comparison than that with cannabis it would not be with tobacco or alcohol, salutary though such parallels may be. It would be with betel nut chewing, another laborious activity based around a product that still remains substantially in local hands, which relies on the slow and modest release of alkaloids, and which has remarkably similar physical effects, as well as cultural embeddedness. Thus the Wikipedia entry (lacking in supportive citations, not that these are unavailable), reads: ‘(the nuts) can be chewed for their effects as a mildly euphoric stimulant, attributed to the presence of relatively high levels of psychoactive alkaloids and terpenoids. Chewing it increases the capacity to work, also causes a hot sensation in the body, heightened alertness and sweating. It should be noted effect of chewing few betel nuts is milder than drinking a cup of coffee.’ Now that is a real threat to world peace.
scarcity causes resource-based conflicts. This very useful piece has – unfortunately but perhaps inevitably – not guided the contributions. Nonetheless, we can ask to what extent the text does help us understand ‘conflicts over land and water’; and there we have problems.

The contributors, mainly African and Scandinavian scholars with considerable field experience, provide us in the great majority of cases with narrowly conceived and highly localised case studies which though interesting and informative in their own right do not allow much consideration of broader themes. A second form of narrowness has the same effect: ‘conflict’ in many of the pieces could as readily be rendered as ‘(potential) conflict of interest’, or ‘competition’ where land – or better access to land – is concerned. Thus we learn more about land tenure and land access arrangements than about conflicts arising (if indeed they do), notably from contributions from Amanor (on shifts in land rights and the role of contestation and negotiation in southern Ghana) and Toulmin (on secondary rights to access in West Africa).

However, the introduction and four of the contributions are explicitly identified as concerned with violent conflict, with case studies on Zimbabwe, Burkina Faso, Tanzania and Kenya’s drylands. With one exception they do not come to grips with broad themes, that exception being Derman and Hellum’s study of the land invasions in Zimbabwe – and this ends by reminding us that even when conflict involves land, it need not be just about land, for they see the source of the invasions as the protection of political power and access to corruption. Apart from the difficulties of making case studies serve broad themes, and the related absence of much comparative discussion, there is a pair of problems with the notion of ‘conflict’. It is first too vague and all-encompassing to serve as an organising concept, as the range of the situations discussed in the collection makes clear. Thus Witsenbergl and Roba’s generally excellent piece on access to water in Marsabit District in Kenya, one which does take up general themes in using their case study to clarify and illuminate theories linking violent conflict to resource scarcity and then to show elegantly why they are deficient, runs into difficulties with changes in types of conflict over time. Can we really assume that cattle raids, now less common than in the colonial period, and much more recent skirmishes between troops from the Kenyan and Ethiopian armies are equally and usefully instances of ‘conflict’?

In turn, a second problem arises, for the nature of a conflict is in part at least formed by its general political context, and notably the nature of the political dynamic – the development of the political system – which both creates and changes that context. A study of Darfur, had it been possible, would have clarified this, since the degeneration of the Sudanese political system, and the resultant more recent phase of the civil war, have transformed the nature of cattle raiding (among other forms of violence) as well as introducing wholly new instances of conflict over land and water access.

Why then spend time with this volume? Every piece has its merits and something to teach us, but several stand out. The introduction provides a painstaking examination of a large body of material on resource scarcity and conflict, on ethnicity and violence, and on issues relating to identity and land. Amanor offers a critique of the conception of a largely customary basis to land tenure, which he sees as an ideological construct rooted in incorporation into the colonial economic system. He then shows us the actual processes through which land rights in Ghana have changed over time, through a careful historical study. Toulmin reminds us of the significance of derived land rights, defined as ‘the range of formal and informal contracts through
which people gain access to land for cultivation from those outside their family group’, and which are ‘very dynamic in form and content’. Derman and Hellum, and Witsenberg and Roba I have already mentioned, although it is worth adding that the quality of the latter makes it all the more regrettable that it was the sole piece on water access. This issue has become of growing importance, and is especially prone to naive ‘scarcity breeds conflict’ interpretations, with predictions of ‘water wars’. It also raises questions about neoliberal economic policies, with both land registration and water privatisation being themselves potential roots of conflict, as well as of intensified poverty.


Stuffed and Starved is not about the industrial North and developing South divide. It addresses the class divide across the globe of those who have enough to eat versus the chronically hungry; what is well documented in this book is that neither group has control over food choices. As we are reminded almost daily, what we buy in the supermarket or in restaurants looks nothing like what our great-grandparents ate, whether in Europe, the US or India. We are all the poorer for it: malnutrition of the obese and of the hungry, polluted water and soils, loss of agricultural biodiversity.

Patel is an excellent story teller. His real-life tales bring us closer to the fields and tables of farmers and consumers, as the ‘book travels the length of the world food system’ (p. 18). The writing is accessible beyond the academic community, but it would have been easier to digest all the graphic details if Patel had paused more often to summarise, for example, exactly what Cecil John Rhodes has in common with Archer Daniel Midlands. If you assign the book for class, your students will have to do the linking back from the rich stories to political economy theories about corporate control over food production, marketing and consumption – as well as resistance to that control all along the commodity chains.

One of the many strengths of the book is that it relates stories about global food production and consumption in Brazil to India to South Africa. The crop (soya in Brazil versus corn in Mexico) may vary, as well as the ecological and financial climate, but the food system remains global. For decades, agribusiness has controlled the US food commodity chain from field to fork, and now with the help of trade agreements such as NAFTA and the WTO, the reach is global. As Patel relates with empirical data and diagrams, the oligopoly control influences government domestic and foreign policy (the link of Rhodes who helped to drive the British imperial command over Southern Africa to Archer Daniel Midlands and Cargill who design the US grain empire). Sometimes the policy is direct (General Marshall making sure US troops in Europe had enough Coca Cola, p. 258) and sometimes indirect (shipping genetically-modified corn as food aid to Southern Africa in 2001, pp. 149–150).

Reinforcing the analysis that distribution and the ability to access food provide feast or famine, Patel addresses the absurdity of advocating technology as a
way to fix these problems, such as in the ‘green revolution’. Although yields did increase as much as five times in India, over a period of 20 years (p. 124), the costs of the new seed varieties were too high. In some areas of the green revolution, ground water dropped over a foot. (p. 125). The number of smallholdings fell by a quarter in the Punjab (p. 126), for small-scale farmers sold their land to cover debt for the purchase of seed, fertilisers and pesticides. Pollution of the soil and water is serious. Patel calls for us to compare the increased yields at high environmental and social costs, not with previous yields but rather, with other areas where farming was collectively and socially organised to profit the smallholder while keeping the cost of food down. Without a green revolution, Kerala reduced infant mortality rates and increased life expectancy. As many have long demonstrated, political solutions more than technology are necessary to end hunger (and obesity), a message that the Gates/Rockefeller Foundations are ignoring in proposing yet another ‘green revolution’ (with patenting of seeds) for Africa.

Patel relies on the profit motive to explain the consolidation of productive forces as well as the introduction of pseudo-foods that make us fat. Of course that drive is central, but to effectively organise resistance we also need to understand the other goals. For example, control over genetic resources (patenting of plants) probably has more to do with blocking future competition, rather than current profit, for the expenditures for genetically modifying seed and patenting are high. Taking resources (land, water, seed) away from farmers brings profits, but it involves a complex process (of proletarianisation), different from the enclosure movement of Europe. Contract farming, for example, means that imperialism no longer needs direct control over land for food production. What does that mean for land reform in Brazil, in Southern Africa? Does it make it easier or harder? We must understand these processes in order to know who has what resources left to resist.

Patel fully describes the MST (Movimento dos Trabalhadores rurais Sem Terra) in Brazil as an exemplary social movement: The MST ‘is in the business not only of producing new kinds of farming, but new kinds of people’ (p. 205). He cites the lessons they have learned from other movements, such as education for production and self-governance paying attention to gender equity. They have links with several universities to send their children to higher education. The key ‘has been the political and social reconstruction and re-education of its members’ (p. 211), and they are trying to be self-financing (p. 212). However, for those with experience with ujamaa in Tanzania or production cooperatives in Mozambique, it sounds all too familiar and we need more complex analysis before we can agree that the MST is avoiding fatal errors.

This book offers current examples that shock and disturb even for those familiar with control over the global food system. The concrete suggestions in the last chapter do not stop with how to change our shopping habits (‘consumer lite’), but remind us that unless we organise for workers’ living wages and rights, and for transformation of rural life, we are wasting our time shopping organic.
The purpose of this book is to link changes in health – including health status, health seeking behaviour and health care provision – with social change in Tanzania. Its contributors span public health, medicine and anthropology and 11 out of 19 are primarily affiliated to the University of Dar es Salaam. This volume of considerable length (14 chapters plus an introduction and conclusion) provides a valuable documentation of many aspects of health care and illness in Tanzania.

The book is divided into four thematic areas: youth; reproductive health and HIV/AIDS; mental health; and poverty and the political economy of health. The constituent chapters could be useful for students of the respective themes with a focus on Tanzania or East Africa more generally, as they provide, albeit somewhat unevenly, a general overview of the official statistical data, the health care services and some case-study material relevant to the topic. However, the book is limited in that most of the chapters focus on the period of intensive structural adjustment reforms and their early repercussions, before the emphasis on sector support or widespread AIDS treatment.

The discussion on youth and health begins with an overview of the situation as exemplified by public statistics and some secondary literature. Chapter one raises worthwhile questions about the limited notions of ‘sex’ and ‘sexual activities’ in most studies of sexual behaviour. Chapter three provides previously unpublished data from a case study of schools in Rombo District, which indicates the importance of mass media and fathers in providing information on sexual and reproductive health. It also points to the reluctance of teachers to engage in sex education, but this should not be surprising given the previous books on other Kilimanjaro districts by Setel (1999), Stambach (2000), and Vavrus (2003). The reduction of health concerns to preventing AIDS, STDs and unwanted pregnancy is not challenged in this book. We are left wondering about the importance of other health issues for youth, such as mental health problems discussed later in the book. The chapters reiterate some of the good classic literature on youth, HIV/AIDS, and mobility. Chapter four argues that it is necessary to differentiate between youth ‘as a problem’ and the ‘problems’ of youth; some of the contributors to this volume are more successful in holding to this commitment than others.

Part two on reproductive health and HIV/AIDS is the least coherent part of the text. Many of the issues in this section were already introduced in the previous chapters on ‘youth’. Reproductive health is completely eclipsed by the discussion of HIV/AIDS. While the overviews given on AIDS in the country and HIV decline in Kagera Region are helpful, if descriptive, they could have been more usefully placed to introduce and make explicit one of the book’s premises: that AIDS is defining the landscape of public health issues in Tanzania.

Part three on mental health is more interesting as the chapters recognise the role of various forms of healing as constituting a response to public health problems. Chapter eight presents a convincing argument that mental health is under-prioritised in the Third World, and is one of the rare places in the book where the actual health care system in Tanzania is brought under consideration. Chapters ten and eleven describe important, understudied issues, but contain considerable overlap and repetition. Chapter nine attempts to link poverty and mental illness, but does not actually succeed in doing so. This DOI: 10.1080/03056240902886174
chapter has a striking example of drawing prescriptions that relate exclusively to the author’s ideological stance and not at all to the data from this chapter or the rest of the book. The recommended solution to Tanzania’s mental health problems is ‘more active family planning programs nationally to decrease its current annual population growth’ (p. 207). The fact that such a statement is written by a medical expert and collaborator in this book is perhaps the strongest criticism of section two where the relationship between reproductive health and rights, family planning programmes, population growth and development should have been elaborated.

The final section on poverty and the political economy of health contains a reprint of a valuable, but now historical article from this journal on the impact of SAPs on health. Chapter thirteen is a descriptive case study of maids in Dar es Salaam, which provides some interesting case material, but could have benefited significantly from engagement with the large literature on gender issues in health and employment in Tanzania. Chapter fourteen should have articulated the purpose of the volume, to conceptualise the ‘new public health,’ emphasising interdisciplinarity and a human rights perspective in the case of Tanzania. However, it actually offers little beyond a broad-brush critique of ‘globalisation’ painted through disparate eye-catching quotations and statistics with no explicit connection to Tanzania. Certainly an effective critique of globalisation processes and local impacts is needed, but this requires more than just ‘sobering statistics’: an analysis needs to be made that links the meaning of the Pochantas pajamas in Haiti to the limited availability of drugs in the dispensary in Mlali. The functioning of structural violence has been skillfully demonstrated for the case of Haiti in Farmer’s (1999) work, and in global HIV/AIDS in Stillwaggon’s (2005) work, it would be commendable if the authors in this volume could take up the articulation of structural violence in the Tanzanian health context.

With perhaps a more cohesive editorial sharpening, this book could have been an informative perspective on the current highly politicised debate over the linkages between AIDS and poverty. Updates on some of the chapters could be invaluable for charting the changes on issues such as AIDS treatment (what are the impacts of ARV roll-out?), urban hygiene and policing (what has happened to the ‘children of the street’ when their ‘safe spaces’ are declared unlawful?), and traditional medicine (has the Chama cha Waganga wa Tiba Asilia Tanzania (CHAWA-TIATA), the Tanzania Traditional Health Practitioners Association, become a recognised actor in providing public health services?). The overriding imperative for promoting social improvement, as represented by the concluding section of many chapters entitled ‘What Needs to be Done?’ is commendable from an activist text; however, the recommendations that are presented tend to reiterate many of the most popular slogans in international development rhetoric, and do not necessarily draw on the empirical material or analysis of the chapter, but branch into other areas of policy for which little or no substantiation has been given. While the collection is empirically driven and lacks a unifying theoretical understanding, some chapters offer interesting discussions of often-neglected aspects of health in Tanzania.

References


This is a very intriguing book. The authors attempt to advance our knowledge and familiarity with Fair Trade. They define Fair Trade as a progressive movement that seeks to bring a sustainable and socially just future for society by altering the nature of trade to benefit those individuals who are adversely affected by the free trade regime. The book is divided into four parts to discuss the historical origins and challenges facing Fair Trade movements.

Part I expounds on the emergence of Fair Trade. The authors give a historical account and show Fair Trade is an intricately woven system of alternative trade organisations, certification groups, labelers and government agencies. The agro-food sector is shown to be the area in which Fair Trade is booming with sales in Fair Trade certified Coffee, Cocoa, Banana and Quinoa (a crop native to Bolivia) growing rapidly.

Part II discusses the evolution of Fair Trade in the northern hemisphere with a focus on Western Europe and the United States. The authors convincingly argue that consumer awareness via social movements has contributed significantly to the growth of Fair Trade in this part of the world. Using Starbucks as an example, the authors show that social image awareness is increasing for corporations and that this creates an opportunity for Fair Trade movements around the world to seek social justice from corporations. However, social awareness by corporations is detrimental to tenets of Fair Trade since, ‘Fair Trade has been bastardized by its mainstreaming in shops and restaurants where most of the products sold are not ethically certified and where major ethical questions are being raised about other aspects of the firms’ business practices’ (p. 57). For example, the authors note that some supermarkets in the Global North only offer shelf space for Fair Trade products and are in no way related to Fair Trade activities. These supermarkets reap where they have not sown because they benefit from a ‘social brand built up through long years of activity by a core of Fair Trade supporters and consumers’, (p. 58) even though they may have in the past and continue to have in the present ethical issues surrounding their operations.

Part III of the book is perhaps the most exciting. It engages in discussion pertaining to the Global South. This part of the world has been and continues to be the most marginalised by Free Trade. The authors show that plantation agriculture and government participation in Fair Trade is common in this region. They ponder whether plantation agriculture undermines Fair Trade’s tenet of helping the poor farmer, and conclude the answer to this question is ambiguous. This is because even though plantations can help increase the amount of goods brought under Fair Trade, they detract from Fair Trade’s goal of helping small farmers. Government involvement is discussed using the cases of Brazil and South Africa. This involvement should not be misunderstood as government owning the farms but as government being actively engaged in Fair Trade via its public policy. The involvement takes the form advocated by modern Post-Keynesians wherein governments’ social programmes and activities work to ensure that social investment activities target the poor and underprivileged in society. The South African government’s Black Empowerment Initiative is shown by the authors to have redefined the nature of Fair Trade in that country. This redefinition was necessary given the deep racial divisions in South Africa and their economic manifestations in the ownership of land for example. The authors
credibly show that colonial history, culture and social divisions should be heeded if Fair Trade is to be successful in South Africa.

I find this book very interesting because it offers a fresh perspective on international trade. However, just like the authors, I agree that ‘the key challenges facing Fair Trade arise from the inherent contradictions embedded within this initiative’ (p. 223). If Fair Trade is truly an alternative position that seeks to bring about social justice, it must devise ways to protect itself from conventional economic theory’s Free Trade. It must perhaps do away with market-oriented approaches evident in some plantations. It must also avoid mainstreaming and perhaps adopt country-specific policies as in the case of South Africa. In short, Fair Trade must void itself of the mistakes of Free Trade if it is to achieve its goal of social justice in trade.


This book examines the nature of state capacity and development in the context of the current African crisis. The aim is to offer a plausible theoretical link between state legitimacy and economic development. The central argument underpinning the book is that effective policies and good governance are essential elements for development; furthermore, Africa’s crisis of development is to some extent a crisis of legitimacy. Englebert’s well-informed statistical analysis of Africa’s economic growth indicates that the continent has the worst economic record of all regions, raising the question of whether Africa could extricate herself from the prevailing economic stagnation. Africa’s crisis is tied to the question of state legitimacy – a phenomenon predicated on issues such as the politics of predation and prebendalism, rent seeking, administrative and institutional decay, ethnic polarisation, absence of social capital and the impact of structural adjustment. These multi-dimensional problems have severely weakened state capacity to evolve viable and robust policies for economic growth, reinforcing economic stagnation and the crisis of development. Englebert’s work offers an in-depth analysis of Africa’s crisis of legitimacy with emphasis on explaining the interface between economic growth and stagnation.

The book is divided into three parts. The first dwells extensively on conceptualising the nature of state capacity and development by providing a theoretical link between states’ developmental policies, good governance and economic growth. Comparative empirical studies show that efficient economic policies and good governance are inter-twined and enhance the developmental capacity of the state. Thus, development as a process is a function of viable economic policies and the quality of state institutions. Functional economic policies are manifested in government spending on productive investments: expenditure on education in order to build human capital, investment on infrastructure, which has powerful impact in the long-run on economic growth and development. Moreover, state institutions are strengthened through good governance, which creates a favourable environment for economic growth. For Englebert, realistic economic policies and strong state institutions are sine qua non for a developmental state, but seemingly, Africa lacks capacity for the realisation of these economic objectives due largely to political economy of decline and its peripheral position in the international political economy.

DOI: 10.1080/03056240902886190
Part two constitutes the strength of the book by offering an in-depth explanation of the nature of Africa’s capacity crisis through a systematic application of ‘social capital and ethnic heterogeneity theory’. Englebert argues that social capital theory as a sociological approach to the understanding of development is a vital ‘civic culture’ that contributes to political and economic development. Social capital theory enables explanation of a country’s processes of social organisation, as well as cohesion, trust, norms and social networks that enhances the functional efficiency of society by stimulating organised action. By contrast, in ethnically fragmented societies, political elites tend to foster the interests of their ethnic groups against national interests. This leads to the adoption of policies that are inimical to growth and weaken the quality of state institutions, as state resources are channelled into private social relations. Therefore, social capital and ethnic heterogeneity theories of African stagnation serve as important explanatory variables for understanding Africa’s capacity crisis, and the findings of this book attribute the current crisis of development and legitimacy in large part to the inability of the continent to effectively respond to the international economic environment and to ethnic fragmentation.

Part three of the book assesses the theory of developmental legitimacy by using comparative empirical analysis globally. State legitimacy is seen as a clear reflection of the impacts of history, or put differently, most post-colonial states are characterised by political illegitimacy due largely to the ‘clash’ between pre-colonial and post-colonial institutions. Thus, Africa differs from the rest of the world due to whatEnglebert describes as lack of ‘social endogenity of state structures and of the historical continuity of institutions’ (p. 143). The most considerable analysis in this section is the in-depth explanations on the effects of state legitimacy on growth in Africa, which indicates how low legitimacy has weakened Africa’s developmental capacity. The book ends with a superb analysis of the nature of state transition in Africa. Englebert suggests that lack of state legitimacy is at ‘the core of the developmental failure of many African states’. Furthermore, propensity towards neo-patrimonialism, the failure of structural adjustment policies and the lack of public sector reform challenged the very existence and nature of the African state.

My main criticism of Englebert’s work centres on three issues. First, his use of social capital theory is not explicit in relation to the understanding of developmental and capacity crisis in Africa, in that the theory is not relevant within the context of African politics. Second, the valorisation of social capital theory in recent social science research by the neoliberal institutions (IMF/World Bank) in their re-developed development policy prescriptions has to some extent also exposed the flawed nature of the theory vis-à-vis Africa’s crisis of development, especially when viewed within the context of the failure of the neo-liberal project in Africa. In other words, the basic assumption of the theory is to some extent deeply-rooted in neo-liberal values. Finally, the author has not critically challenged the current iniquitous nature of the international political economy, which peripheralised and reinforced Africa’s crisis of development as argued by many scholars working from a more neo-imperial, dependency or underdevelopment perspective. These criticisms aside, Englebert’s book is a significant addition to the discussion of the state in Africa.
Almost a decade ago this journal published a special issue on drugs and drug ‘control’ in Africa. At the time it was one of the very few general sources on this theme, and soon after one of these – the reports of the Paris OGD (Observatoire Generale de Drogue) – ceased publication. Now we have two books on just one drug, khat (‘miraa’ in Kenya), each copiously referenced and a tribute to the work of younger researchers. Like the special issue, each explores a large range of issues – well expressed in Carrier’s phrase ‘the social life of a stimulant’ – from the pharmacology of the drug itself, through its production, its social, cultural and economic impact, to political and social issues arising from its use. Here we re-enter the area of control and its justification, both in Africa and elsewhere, since khat has become a global commodity, minor, but widespread; a few minutes on the Internet will yield several sites offering bundles of khat, albeit at rather high prices.

The two studies differ in scope and style, Anderson et al. covering the Horn and East Africa from a variety of social science and anthropological perspectives, providing us, in its own words, with the ‘first analytical study of the chain of production, distribution and transnational consumption of khat’. Carrier’s absurdly costly book is almost wholly about Kenya, and at root a piece of cultural ethnography. However, both are part of a larger study, the ESRC funded ‘Cultures of Consumption’ project headed by Prof. Frank Trentmann, and they do integrate neatly. This is just as well, for Carrier’s book is substantially empirical in content, often reading like well-ordered (and entertaining) field notes, and avoiding much analytical digression, even in the introduction and conclusion. The one chapter that does not fit this pattern, on ‘Miraa (khat) and the War on Drugs’, is more of an opinion piece, well founded and argued, but less scholarly in conception. What Carrier does do very well is to flesh out the lines of analysis and argument in the other study, often with vivid and insightful examples. Each study needs the other to work best, as the discussions of the cultural context of khat consumption, and of the role of trust in its trade demonstrate: Carrier’s accounts are essential to grounding and assessing the many references to these themes in Anderson et al.

Khat consists of leafy twigs from bushes and mature trees of Catha edulis, available in a great variety of qualities and styles, and consumed by chewing the leaves, tips and bark of the twig, which releases the alkaloids cathinone and cathine (plus others), promoting euphoria and alertness – and an urge to talk to others. It is used as part of many rituals, to aid and enhance social interaction, to stay awake and alert, or simply to ease physical labour (by, for example, farmers). It occurs wild quite widely, but is cultivated mainly in Ethiopia and Kenya, and consumed mainly by Yemenis, Ethiopians, Somalis, Kenyans and other East Africans,
both at home and abroad. Somalis are perhaps the best known expatriate consumers, and the focus of much of the less sympathetic literature on khat. While Carrier concentrates on the Nyambene hills north of Mount Kenya and various subgroups of Meru involved in the world of ‘miraa’, Anderson et al. provide half a dozen area studies from the Horn and East Africa, and several chapters on responses to khat use in Britain and the US. However, the two studies have a similar focus and a similar account of khat. Unlike most cash crops with an export market, production is a local initiative providing a range of modest incomes rather than promoting concentration of wealth. As a result, and because demand and price tend to fluctuate upwards, it has displaced externally-imposed cash crops like coffee, notably in Ethiopia and the Nyambenes. In both areas the trade is controlled by local actors, although what defines ‘local’ depends on the final market – it is Meru who distribute miraa through Kenya, but Somalis who fly it to Britain and then sell it. The market, too, is ‘local’: few non-Africans or non-Yemenis chew, whether we are talking of Minnesota or Manchester. When it occurs, it tends to be a fad – it is, after all, too much like hard work; if drinking a pint of beer involved two and half hours of steady labour, there would be very few breweries in Britain. The trade is relatively easy to enter, provides good earnings where risk is reduced by high levels of trust, and shows an impressive degree of organisation, necessary if your product is as perishable as an orchid. Carrier is best on these aspects, although I would like to have seen more discussion from him of ‘trust’ from an anthropological standpoint.

Consumption patterns are central to both books. The meaning of consumption, and thus its means and impact depend on the cultural context, whether we are considering a gift of miraa to Meru elders, an evening of chewing among old friends in Mombasa, or a session in a cafe in Southall for casually employed Somali refugees. Its use is thus defined and contained by those contexts, which impart meanings having to do with identity, conviviality and the (re)assertion of culture, rather than addiction and victimhood. Thus khat is not best seen as a weak version of a ‘dangerous drug’, but as more akin to alcohol – widely used in culturally defined contexts but open to abuse, and whose damaging effects worsen the conditions that led to abuse, rather than causing them.

In the drug issue of the journal in 1999, the editorial argued that:

*The international agencies concerned with drugs focus largely on ‘enforcement’ aspects – the control, detection and punishment of those who produce, trade and consume drugs. Their perspective tends to subsume all drug production and use under one narrow ‘trafficking’ model that has low standards of evidence; that is far more concerned with the interests of final consumer countries than those of Africans or African governments; and whose conception of enforcement is akin to that of the American ‘War on Drugs’. These perspectives interact with a picture of the nature of African societies, economies and political systems that is at best crude or naive, reminiscent of the worst international reporting of African crises and disasters.*

Since then the ‘War on Terror’ has superseded and incorporated that on drugs. Khat, having been earlier accorded the same status as cocaine in the demonology of US Drug Enforcement Agency, has now become one of the supposed financial conduits for al-Qaeda, just as Somalia became one its leadership’s supposed hideouts. It was perhaps embarrassing for the US government and the band of tame academics and analysts who write on Somalia and the ‘Islamist menace’ when the Union of Islamic Courts in Mogadishu announced a (very unpopular)
ban on khat – a ban then eliminated by warlords backed by the US.

The volume by Anderson et al. presents itself as a case critique of such repressive/punitive responses to khat, whether in Africa or elsewhere, arguing that it is essentially self-policing, and that seeing it as a threat, and especially banning it (as in the US, but not Britain) is to risk its criminalisation with a rise in prices and the creation of the very features that were used to justify the ban. Their argument, as the similar plea from Carrier, is well made, but might have been strengthened by more comparative material – indeed there is a general thinness of comparative argument in both volumes. One product that suggests itself is the other ‘drug’ grown by Africans – cannabis, produced in Morocco for centuries and for the EU market since 1980, with Morocco now the main supplier to Europe. It has similarities historically with khat (production, cultural context of consumption, extent of use, shift to cash crop status, etc.), but now might best be seen as representing the future that Anderson et al. fear awaits khat: expansion of external markets, loss of control by Africans of distribution and marketing, demonisation as a ‘dangerous drug’ and criminalisation.

As it is, what these studies show is that so far at least, Khat is unlike other ‘drugs’ (even alcohol and tobacco). It is bulky to distribute (much more so than cannabis), it decays in a few days due to the instability of cathinone, has limited consumer pools, is controlled largely by nationals of producer areas, and does not generate exceptional or criminal incomes (with the possible exception of Somalia). Hence it is neither linked to criminal activities such as money laundering, nor – despite US paranoia – to ‘terrorism’. Nor in any sense is it a ‘conflict drug’ akin to ‘conflict diamonds’ or the Congo’s mineral resources, or cocaine.

If one were to offer a more direct contemporary comparison than that with cannabis it would not be with tobacco or alcohol, salutary though such parallels may be. It would be with betel nut chewing, another laborious activity based around a product that still remains substantially in local hands, which relies on the slow and modest release of alkaloids, and which has remarkably similar physical effects, as well as cultural embeddedness. Thus the Wikipedia entry (lacking in supportive citations, not that these are unavailable), reads: ‘(the nuts) can be chewed for their effects as a mildly euphoric stimulant, attributed to the presence of relatively high levels of psychoactive alkaloids and terpeneols. Chewing it increases the capacity to work, also causes a hot sensation in the body, heightened alertness and sweating. It should be noted effect of chewing few betel nuts is milder than drinking a cup of coffee.’ Now that is a real threat to world peace.


Editing a collective volume, especially one stemming from a conference, can be a thankless task, and one should not make inappropriate demands of such volumes, or their editors. In this case the conference was over four years ago, and the editors have made a considerable effort to provide us with a long introduction, reviewing debates over the origins of conflict and its relation to the key resources of land and water, with particular attention to ethnicity/identity and theories, offering the popular but essentially commonsense (and hence suspect) argument that growing resource

DOI: 10.1080/03056240902886133
scarcity causes resource-based conflicts. This very useful piece has – unfortunately but perhaps inevitably – not guided the contributions. Nonetheless, we can ask to what extent the text does help us understand ‘conflicts over land and water’; and there we have problems.

The contributors, mainly African and Scandinavian scholars with considerable field experience, provide us in the great majority of cases with narrowly conceived and highly localised case studies which though interesting and informative in their own right do not allow much consideration of broader themes. A second form of narrowness has the same effect: ‘conflict’ in many of the pieces could as readily be rendered as ‘(potential) conflict of interest’, or ‘competition’ where land – or better access to land – is concerned. Thus we learn more about land tenure and land access arrangements than about conflicts arising (if indeed they do), notably from contributions from Amanor (on shifts in land rights and the role of contestation and negotiation in southern Ghana) and Toulmin (on secondary rights to access in West Africa).

However, the introduction and four of the contributions are explicitly identified as concerned with violent conflict, with case studies on Zimbabwe, Burkina Faso, Tanzania and Kenya’s drylands. With one exception they do not come to grips with broad themes, that exception being Derman and Hellum’s study of the land invasions in Zimbabwe – and this ends by reminding us that even when conflict involves land, it need not be just about land, for they see the source of the invasions as the protection of political power and access to corruption. Apart from the difficulties of making case studies serve broad themes, and the related absence of much comparative discussion, there is a pair of problems with the notion of ‘conflict’. It is first too vague and all-embracing to serve as an organising concept, as the range of the situations discussed in the collection makes clear. Thus Witsenberg and Roba’s generally excellent piece on access to water in Marsabit District in Kenya, one which does take up general themes in using their case study to clarify and illuminate theories linking violent conflict to resource scarcity and then to show elegantly why they are deficient, runs into difficulties with changes in types of conflict over time. Can we really assume that cattle raids, now less common than in the colonial period, and much more recent skirmishes between troops from the Kenyan and Ethiopian armies are equally and usefully instances of ‘conflict’?

In turn, a second problem arises, for the nature of a conflict is in part at least formed by its general political context, and notably the nature of the political dynamic – the development of the political system – which both creates and changes that context. A study of Darfur, had it been possible, would have clarified this, since the degeneration of the Sudanese political system, and the resultant more recent phase of the civil war, have transformed the nature of cattle raiding (among other forms of violence) as well as introducing wholly new instances of conflict over land and water access.

Why then spend time with this volume? Every piece has its merits and something to teach us, but several stand out. The introduction provides a painstaking examination of a large body of material on resource scarcity and conflict, on ethnicity and violence, and on issues relating to identity and land. Amanor offers a critique of the conception of a largely customary basis to land tenure, which he sees as an ideological construct rooted in incorporation into the colonial economic system. He then shows us the actual processes through which land rights in Ghana have changed over time, through a careful historical study. Toulmin reminds us of the significance of derived land rights, defined as ‘the range of formal and informal contracts through
which people gain access to land for cultivation from those outside their family group’, and which are ‘very dynamic in form and content’. Dermer and Hellum, and Witsenberg and Roba I have already mentioned, although it is worth adding that the quality of the latter makes it all the more regrettable that it was the sole piece on water access. This issue has become of growing importance, and is especially prone to naive ‘scarcity breeds conflict’ interpretations, with predictions of ‘water wars’. It also raises questions about neoliberal economic policies, with both land registration and water privatisation being themselves potential roots of conflict, as well as of intensified poverty.

Sadly Chris Allen passed away in September 2008. He was a valued member of ROAPE editorial working group in the 1990s. A future issue will carry a tribute to his work and contribution to the journal.


Stuffed and Starved is not about the industrial North and developing South divide. It addresses the class divide across the globe of those who have enough to eat versus the chronically hungry; what is well documented in this book is that neither group has control over food choices. As we are reminded almost daily, what we buy in the supermarket or in restaurants looks nothing like what our great-grandparents ate, whether in Europe, the US or India. We are all the poorer for it: malnutrition of the obese and of the hungry, polluted water and soils, loss of agricultural biodiversity.

Patel is an excellent story teller. His real-life tales bring us closer to the fields and tables of farmers and consumers, as the ‘book travels the length of the world food system’ (p. 18). The writing is accessible beyond the academic community, but it would have been easier to digest if Patel had paused more often to summarise, for example, exactly what Cecil John Rhodes has in common with Archer Daniel Midlands. If you assign the book for class, your students will have to do the linking back from the rich stories to political economy theories about corporate control over food production, marketing and consumption – as well as resistance to that control all along the commodity chains.

One of the many strengths of the book is that it relates stories about global food production and consumption in Brazil to India to South Africa. The crop (soya in Brazil versus corn in Mexico) may vary, as well as the ecological and financial climate, but the food system remains global. For decades, agribusiness has controlled the US food commodity chain from field to fork, and now with the help of trade agreements such as NAFTA and the WTO, the reach is global. As Patel relates with empirical data and diagrams, the oligopoly control influences government domestic and foreign policy (the link of Rhodes who helped to drive the British imperial command over Southern Africa to Archer Daniel Midlands and Cargill who design the US grain empire). Sometimes the policy is direct (General Marshall making sure US troops in Europe had enough Coca Cola, p. 258) and sometimes indirect (shipping genetically-modified corn as food aid to Southern Africa in 2001, pp. 149–150).

Reinforcing the analysis that distribution and the ability to access food provide feast or famine, Patel addresses the absurdity of advocating technology as a

DOI: 10.1080/03056240902886166
way to fix these problems, such as in the ‘green revolution’. Although yields did increase as much as five times in India, over a period of 20 years (p. 124), the costs of the new seed varieties were too high. In some areas of the green revolution, ground water dropped over a foot. (p. 125). The number of smallholdings fell by a quarter in the Punjab (p. 126), for small-scale farmers sold their land to cover debt for the purchase of seed, fertilisers and pesticides. Pollution of the soil and water is serious. Patel calls for us to compare the increased yields at high environmental and social costs, not with previous yields but rather, with other areas where farming was collectively and socially organised to profit the smallholder while keeping the cost of food down. Without a green revolution, Kerala reduced infant mortality rates and increased life expectancy. As many have long demonstrated, political solutions more than technology are necessary to end hunger (and obesity), a message that the Gates/Rockefeller Foundations are ignoring in proposing yet another ‘green revolution’ (with patenting of seeds) for Africa.

**Patel fully describes the MST (Movimento dos Trabalhadores rurais Sem Terra) in Brazil as an exemplary social movement:** The MST ‘is in the business not only of producing new kinds of farming, but new kinds of people’ (p. 205). He cites the lessons they have learned from other movements, such as education for production and self-governance paying attention to gender equity. They have links with several universities to send their children to higher education. The key ‘has been the political and social reconstruction and re-education of its members’ (p. 211), and they are trying to be self-financing (p. 212). However, for those with experience with *ujamaa* in Tanzania or production cooperatives in Mozambique, it sounds all too familiar and we need more complex analysis before we can agree that the MST is avoiding fatal errors.

This book offers current examples that shock and disturb even for those familiar with control over the global food system. The concrete suggestions in the last chapter do not stop with how to change our shopping habits (‘consumer lite’), but remind us that unless we organise for workers’ living wages and rights, and for transformation of rural life, we are wasting our time shopping organic.
The purpose of this book is to link changes in health – including health status, health seeking behaviour and health care provision – with social change in Tanzania. Its contributors span public health, medicine and anthropology and 11 out of 19 are primarily affiliated to the University of Dar es Salaam. This volume of considerable length (14 chapters plus an introduction and conclusion) provides a valuable documentation of many aspects of health care and illness in Tanzania.

The book is divided into four thematic areas: youth; reproductive health and HIV/AIDS; mental health; and poverty and the political economy of health. The constituent chapters could be useful for students of the respective themes with a focus on Tanzania or East Africa more generally, as they provide, albeit somewhat unevenly, a general overview of the official statistical data, the health care services and some case-study material relevant to the topic. However, the book is limited in that most of the chapters focus on the period of intensive structural adjustment reforms and their early repercussions, before the emphasis on sector support or widespread AIDS treatment.

Part two on reproductive health and HIV/AIDS is the least coherent part of the text. Many of the issues in this section were already introduced in the previous chapters on ‘youth’. Reproductive health is completely eclipsed by the discussion of HIV/AIDS. While the overviews given on AIDS in the country and HIV decline in Kagera Region are helpful, if descriptive, they could have been more usefully placed to introduce and make explicit one of the book’s premises: that AIDS is defining the landscape of public health issues in Tanzania.

Part three on mental health is more interesting as the chapters recognise the role of various forms of healing as constituting a response to public health problems. Chapter eight presents a convincing argument that mental health is under-prioritised in the Third World, and is one of the rare places in the book where the actual health care system in Tanzania is brought under consideration. Chapters ten and eleven describe important, understudied issues, but contain considerable overlap and repetition. Chapter nine attempts to link poverty and mental illness, but does not actually succeed in doing so. This
chapter has a striking example of drawing prescriptions that relate exclusively to the author’s ideological stance and not at all to the data from this chapter or the rest of the book. The recommended solution to Tanzania’s mental health problems is ‘more active family planning programs nationally to decrease its current annual population growth’ (p. 207). The fact that such a statement is written by a medical expert and collaborator in this book is perhaps the strongest criticism of section two where the relationship between reproductive health and rights, family planning programmes, population growth and development should have been elaborated.

The final section on poverty and the political economy of health contains a reprint of a valuable, but now historical article from this journal on the impact of SAPs on health. Chapter thirteen is a descriptive case study of maids in Dar es Salaam, which provides some interesting case material, but could have benefited significantly from engagement with the large literature on gender issues in health and employment in Tanzania. Chapter fourteen should have articulated the purpose of the volume, to conceptualise the ‘new public health,’ emphasising interdisciplinarity and a human rights perspective in the case of Tanzania. However, it actually offers little beyond a broad-brush critique of ‘globalisation’ painted through disparate eye-catching quotations and statistics with no explicit connection to Tanzania. Certainly an effective critique of globalisation processes and local impacts is needed, but this requires more than just ‘sobering statistics’: an analysis needs to be made that links the meaning of the Pochantas pajamas in Haiti to the limited availability of drugs in the dispensary in Mlali. The functioning of structural violence has been skillfully demonstrated for the case of Haiti in Farmer’s (1999) work, and in global HIV/AIDS in Stillwaggon’s (2005) work, it would be commendable if the authors in this volume could take up the articulation of structural violence in the Tanzanian health context.

With perhaps a more cohesive editorial sharpening, this book could have been an informative perspective on the current highly politicised debate over the linkages between AIDS and poverty. Updates on some of the chapters could be invaluable for charting the changes on issues such as AIDS treatment (what are the impacts of ARV roll-out?), urban hygiene and policing (what has happened to the ‘children of the street’ when their ‘safe spaces’ are declared unlawful?), and traditional medicine (has the Chama cha Waganga na Wakunga wa Tiba Asilia Tanzania (CHAWA- TIATA), the Tanzania Traditional Health Practitioners Association, become a recognised actor in providing public health services?). The overriding imperative for promoting social improvement, as represented by the concluding section of many chapters entitled ‘What Needs to be Done?’ is commendable from an activist text; however, the recommendations that are presented tend to reiterate many of the most popular slogans in international development rhetoric, and do not necessarily draw on the empirical material or analysis of the chapter, but branch into other areas of policy for which little or no substantiation has been given. While the collection is empirically driven and lacks a unifying theoretical understanding, some chapters offer interesting discussions of often-neglected aspects of health in Tanzania.

References
This is a very intriguing book. The authors attempt to advance our knowledge and familiarity with Fair Trade. They define Fair Trade as a progressive movement that seeks to bring a sustainable and socially just future for society by altering the nature of trade to benefit those individuals who are adversely affected by the free trade regime. The book is divided into four parts to discuss the historical origins and challenges facing Fair Trade movements.

Part I expounds on the emergence of Fair Trade. The authors give a historical account and show Fair Trade is an intricately woven system of alternative trade organisations, certification groups, labelers and government agencies. The agro-food sector is shown to be the area in which Fair Trade is booming with sales in Fair Trade certified Coffee, Cocoa, Banana and Quinoa (a crop native to Bolivia) growing rapidly.

Part II discusses the evolution of Fair Trade in the northern hemisphere with a focus on Western Europe and the United States. The authors convincingly argue that consumer awareness via social movements has contributed significantly to the growth of Fair Trade in this part of the world. Using Starbucks as an example, the authors show that social image awareness is increasing for corporations and that this creates an opportunity for Fair Trade movements around the world to seek social justice from corporations. However, social awareness by corporations is detrimental to tenets of Fair Trade since, ‘Fair Trade has been bastardized by its mainstreaming in shops and restaurants where most of the products sold are not ethically certified and where major ethical questions are being raised about other aspects of the firms’ business practices’ (p. 57). For example, the authors note that some supermarkets in the Global North only offer shelf space for Fair Trade products and are in no way related to Fair Trade activities. These supermarkets reap where they have not sown because they benefit from a ‘social brand built up through long years of activity by a core of Fair Trade supporters and consumers’, (p. 58) even though they may have in the past and continue to have in the present ethical issues surrounding their operations.

Part III of the book is perhaps the most exciting. It engages in discussion pertaining to the Global South. This part of the world has been and continues to be the most marginalised by Free Trade. The authors show that plantation agriculture and government participation in Fair Trade is common in this region. They ponder whether plantation agriculture undermines Fair Trade’s tenet of helping the poor farmer, and conclude the answer to this question is ambiguous. This is because even though plantations can help increase the amount of goods brought under Fair Trade, they detract from Fair Trade’s goal of helping small farmers. Government involvement is discussed using the cases of Brazil and South Africa. This involvement should not be misunderstood as government owning the farms but as government being actively engaged in Fair Trade via its public policy. The involvement takes the form advocated by modern Post-Keynesians wherein governments’ social programmes and activities work to ensure that social investment activities target the poor and underprivileged in society. The South African government’s Black Empowerment Initiative is shown by the authors to have redefined the nature of Fair Trade in that country. This redefinition was necessary given the deep racial divisions in South Africa and their economic manifestations in the ownership of land for example. The authors
credibly show that colonial history, culture and social divisions should be heeded if Fair Trade is to be successful in South Africa.

I find this book very interesting because it offers a fresh perspective on international trade. However, just like the authors, I agree that ‘the key challenges facing Fair Trade arise from the inherent contradictions embedded within this initiative’ (p. 223). If Fair Trade is truly an alternative position that seeks to bring about social justice, it must devise ways to protect itself from conventional economic theory’s Free Trade. It must perhaps do away with market-oriented approaches evident in some plantations. It must also avoid mainstreaming and perhaps adopt country-specific policies as in the case of South Africa. In short, Fair Trade must void itself of the mistakes of Free Trade if it is to achieve its goal of social justice in trade.


This book examines the nature of state capacity and development in the context of the current African crisis. The aim is to offer a plausible theoretical link between state legitimacy and economic development. The central argument underpinning the book is that effective policies and good governance are essential elements for development; furthermore, Africa’s crisis of development is to some extent a crisis of legitimacy. Englebert’s well-informed statistical analysis of Africa’s economic growth indicates that the continent has the worst economic record of all regions, raising the question of whether Africa could extricate herself from the prevailing economic stagnation. Africa’s crisis is tied to the question of state legitimacy – a phenomenon predicated on issues such as the politics of predation and prebendalism, rent seeking, administrative and institutional decay, ethnic polarisation, absence of social capital and the impact of structural adjustment. These multi-dimensional problems have severely weakened state capacity to evolve viable and robust policies for economic growth, reinforcing economic stagnation and the crisis of development. Englebert’s work offers an in-depth analysis of Africa’s crisis of legitimacy with emphasis on explaining the interface between economic growth and stagnation.

The book is divided into three parts. The first dwells extensively on conceptualising the nature of state capacity and development by providing a theoretical link between states’ developmental policies, good governance and economic growth. Comparative empirical studies show that efficient economic policies and good governance are inter-twined and enhance the developmental capacity of the state. Thus, development as a process is a function of viable economic policies and the quality of state institutions. Functional economic policies are manifested in government spending on productive investments: expenditure on education in order to build human capital, investment on infrastructure, which has powerful impact in the long-run on economic growth and development. Moreover, state institutions are strengthened through good governance, which creates a favourable environment for economic growth. For Englebert, realistic economic policies and strong state institutions are *sine qua non* for a developmental state, but seemingly, Africa lacks capacity for the realisation of these economic objectives due largely to political economy of decline and its peripheral position in the international political economy.

DOI: 10.1080/03056240902886190
Part two constitutes the strength of the book by offering an in-depth explanation of the nature of Africa’s capacity crisis through a systematic application of ‘social capital and ethnic heterogeneity theory’. Englebert argues that social capital theory as a sociological approach to the understanding of development is a vital ‘civic culture’ that contributes to political and economic development. Social capital theory enables explanation of a country’s processes of social organisation, as well as cohesion, trust, norms and social networks that enhances the functional efficiency of society by stimulating organised action. By contrast, in ethnically fragmented societies, political elites tend to foster the interests of their ethnic groups against national interests. This leads to the adoption of policies that are inimical to growth and weaken the quality of state institutions, as state resources are channelled into private social relations. Therefore, social capital and ethnic heterogeneity theories of African stagnation serve as important explanatory variables for understanding Africa’s capacity crisis, and the findings of this book attribute the current crisis of development and legitimacy in large part to the inability of the continent to effectively respond to the international economic environment and to ethnic fragmentation.

Part three of the book assesses the theory of developmental legitimacy by using comparative empirical analysis globally. State legitimacy is seen as a clear reflection of the impacts of history, or put differently, most post-colonial states are characterised by political illegitimacy due largely to the ‘clash’ between pre-colonial and post-colonial institutions. Thus, Africa differs from the rest of the world due to what Englebert describes as lack of ‘social endogeneity of state structures and of the historical continuity of institutions’ (p. 143). The most considerable analysis in this section is the in-depth explanations on the effects of state legitimacy on growth in Africa, which indicates how low legitimacy has weakened Africa’s developmental capacity. The book ends with a superb analysis of the nature of state transition in Africa. Englebert suggests that lack of state legitimacy is at ‘the core of the developmental failure of many African states’. Furthermore, propensity towards neo-patrimonialism, the failure of structural adjustment policies and the lack of public sector reform challenged the very existence and nature of the African state.

My main criticism of Englebert’s work centres on three issues. First, his use of social capital theory is not explicit in relation to the understanding of developmental and capacity crisis in Africa, in that the theory is not relevant within the context of African politics. Second, the valorisation of social capital theory in recent social science research by the neoliberal institutions (IMF/World Bank) in their re-developed development policy prescriptions has to some extent also exposed the flawed nature of the theory vis-à-vis Africa’s crisis of development, especially when viewed within the context of the failure of the neo-liberal project in Africa. In other words, the basic assumption of the theory is to some extent deeply-rooted in neo-liberal values. Finally, the author has not critically challenged the current iniquitous nature of the international political economy, which peripheralised and reinforced Africa’s crisis of development as argued by many scholars working from a more neo-imperial, dependency or underdevelopment perspective. These criticisms aside, Englebert’s book is a significant addition to the discussion of the state in Africa.
Book Reviews


Almost a decade ago this journal published a special issue on drugs and drug ‘control’ in Africa. At the time it was one of the very few general sources on this theme, and soon after one of these – the reports of the Paris OGD (Observatoire Generale de Drogue) – ceased publication. Now we have two books on just one drug, khat (‘miraa’ in Kenya), each copiously referenced and a tribute to the work of younger researchers. Like the special issue, each explores a large range of issues – well expressed in Carrier’s phrase ‘the social life of a stimulant’ – from the pharmacology of the drug itself, through its production, its social, cultural and economic impact, to political and social issues arising from its use. Here we re-enter the area of control and its justification, both in Africa and elsewhere, since khat has become a global commodity, minor, but widespread; a few minutes on the Internet will yield several sites offering bundles of khat, albeit at rather high prices.

The two studies differ in scope and style, Anderson et al. covering the Horn and East Africa from a variety of social science and anthropological perspectives, providing us, in its own words, with the ‘first analytical study of the chain of production, distribution and transnational consumption of khat’. Carrier’s absurdly costly book is almost wholly about Kenya, and at root a piece of cultural ethnography. However, both are part of a larger study, the ESRC funded ‘Cultures of Consumption’ project headed by Prof. Frank Trentmann, and they do integrate neatly. This is just as well, for Carrier’s book is substantially empirical in content, often reading like well-ordered (and entertaining) field notes, and avoiding much analytical digression, even in the introduction and conclusion. The one chapter that does not fit this pattern, on ‘Miraa (khat) and the War on Drugs’, is more of an opinion piece, well founded and argued, but less scholarly in conception. What Carrier does do very well is to flesh out the lines of analysis and argument in the other study, often with vivid and insightful examples. Each study needs the other to work best, as the discussions of the cultural context of khat consumption, and of the role of trust in its trade demonstrate: Carrier’s accounts are essential to grounding and assessing the many references to these themes in Anderson et al.

Khat consists of leafy twigs from bushes and mature trees of Catha edulis, available in a great variety of qualities and styles, and consumed by chewing the leaves, tips and bark of the twig, which releases the alkaloids cathinone and cathine (plus others), promoting euphoria and alertness – and an urge to talk to others. It is used as part of many rituals, to aid and enhance social interaction, to stay awake and alert, or simply to ease physical labour (by, for example, farmers). It occurs wild quite widely, but is cultivated mainly in Ethiopia and Kenya, and consumed mainly by Yemenis, Ethiopians, Somalis, Kenyans and other East Africans.
both at home and abroad. Somalis are perhaps the best known expatriate consumers, and the focus of much of the less sympathetic literature on khat.

While Carrier concentrates on the Nyambene hills north of Mount Kenya and various subgroups of Meru involved in the world of ‘miraa’, Anderson et al. provide half a dozen area studies from the Horn and East Africa, and several chapters on responses to khat use in Britain and the US. However, the two studies have a similar focus and a similar account of khat. Unlike most cash crops with an export market, production is a local initiative providing a range of modest incomes rather than promoting concentration of wealth. As a result, and because demand and price tend to fluctuate upwards, it has displaced externally-imposed cash crops like coffee, notably in Ethiopia and the Nyambenes. In both areas the trade is controlled by local actors, although what defines ‘local’ depends on the final market – it is Meru who distribute miraa through Kenya, but Somalis who fly it to Britain and then sell it. The market, too, is ‘local’: few non-Africans or non-Yemenis chew, whether we are talking of Minnesota or Manchester. When it occurs, it tends to be a fad – it is, after all, too much like hard work; if drinking a pint of beer involved two and half hours of steady labour, there would be very few breweries in Britain. The trade is relatively easy to enter, provides good earnings where risk is reduced by high levels of trust, and shows an impressive degree of organisation, necessary if your product is as perishable as an orchid. Carrier is best on these aspects, although I would like to have seen more discussion from him of ‘trust’ from an anthropological standpoint.

Consumption patterns are central to both books. The meaning of consumption, and thus its means and impact depend on the cultural context, whether we are considering a gift of miraa to Meru elders, an evening of chewing among old friends in Mombasa, or a session in a cafe in Southall for casually employed Somali refugees. Its use is thus defined and contained by those contexts, which impart meanings having to do with identity, conviviality and the (re)assertion of culture, rather than addiction and victimhood. Thus khat is not best seen as a weak version of a ‘dangerous drug’, but as more akin to alcohol – widely used in culturally defined contexts but open to abuse, and whose damaging effects worsen the conditions that led to abuse, rather than causing them.

In the drug issue of the journal in 1999, the editorial argued that:

The international agencies concerned with drugs focus largely on ‘enforcement’ aspects – the control, detection and punishment of those who produce, trade and consume drugs. Their perspective tends to subsume all drug production and use under one narrow ‘trafficking’ model that has low standards of evidence; that is far more concerned with the interests of final consumer countries than those of Africans or African governments; and whose conception of enforcement is akin to that of the American ‘War on Drugs’. These perspectives interact with a picture of the nature of African societies, economies and political systems that is at best crude or naive, reminiscent of the worst international reporting of African crises and disasters.

Since then the ‘War on Terror’ has superseded and incorporated that on drugs. Khat, having been earlier accorded the same status as cocaine in the demonology of US Drug Enforcement Agency, has now become one of the supposed financial conduits for al-Qaeda, just as Somalia became one its leadership’s supposed hideouts. It was perhaps embarrassing for the US government and the band of tame academics and analysts who write on Somalia and the ‘Islamist menace’ when the Union of Islamic Courts in Mogadishu announced a (very unpopular)
The volume by Anderson et al. presents itself as a case critique of such repressive/punitive responses to khat, whether in Africa or elsewhere, arguing that it is essentially self-policing, and that seeing it as a threat, and especially banning it (as in the US, but not Britain) is to risk its criminalisation with a rise in prices and the creation of the very features that were used to justify the ban. Their argument, as the similar plea from Carrier, is well made, but might have been strengthened by more comparative material – indeed there is a general thinness of comparative argument in both volumes. One product that suggests itself is the other ‘drug’ grown by Africans – cannabis, produced in Morocco for centuries and for the EU market since 1980, with Morocco now the main supplier to Europe. It has similarities historically with khat (production, cultural context of consumption, extent of use, shift to cash crop status, etc.), but now might best be seen as representing the future that Anderson et al. fear awaits khat: expansion of external markets, loss of control by Africans of distribution and marketing, demonisation as a ‘dangerous drug’ and criminalisation.

As it is, what these studies show is that so far at least, Khat is unlike other ‘drugs’ (even alcohol and tobacco). It is bulky to distribute (much more so than cannabis), it decays in a few days due to the instability of cathinone, has limited consumer pools, is controlled largely by nationals of producer areas, and does not generate exceptional or criminal incomes (with the possible exception of Somalia). Hence it is neither linked to criminal activities such as money laundering, nor – despite US paranoia – to ‘terrorism’. Nor in any sense is it a ‘conflict drug’ akin to ‘conflict diamonds’ or the Congo’s mineral resources, or cocaine.

If one were to offer a more direct contemporary comparison than that with cannabis it would not be with tobacco or alcohol, salutary though such parallels may be. It would be with betel nut chewing, another laborious activity based around a product that still remains substantially in local hands, which relies on the slow and modest release of alkaloids, and which has remarkably similar physical effects, as well as cultural embeddedness. Thus the Wikipedia entry (lacking in supportive citations, not that these are unavailable), reads: ‘(the nuts) can be chewed for their effects as a mildly euphoric stimulant, attributed to the presence of relatively high levels of psychoactive alkaloids and terpenoids. Chewing it increases the capacity to work, also causes a hot sensation in the body, heightened alertness and sweating. It should be noted effect of chewing few betel nuts is milder than drinking a cup of coffee.’ Now that is a real threat to world peace.


Editing a collective volume, especially one stemming from a conference, can be a thankless task, and one should not make inappropriate demands of such volumes, or their editors. In this case the conference was over four years ago, and the editors have made a considerable effort to provide us with a long introduction, reviewing debates over the origins of conflict and its relation to the key resources of land and water, with particular attention to ethnicity/identity and theories, offering the popular but essentially commonsense (and hence suspect) argument that growing resource
scarcity causes resource-based conflicts. This very useful piece has – unfortunately but perhaps inevitably – not guided the contributions. Nonetheless, we can ask to what extent the text does help us understand ‘conflicts over land and water’; and there we have problems.

The contributors, mainly African and Scandinavian scholars with considerable field experience, provide us in the great majority of cases with narrowly conceived and highly localised case studies which though interesting and informative in their own right do not allow much consideration of broader themes. A second form of narrowness has the same effect: ‘conflict’ in many of the pieces could as readily be rendered as ‘(potential) conflict of interest’, or ‘competition’ where land – or better access to land – is concerned. Thus we learn more about land tenure and land access arrangements than about conflicts arising (if indeed they do), notably from contributions from Amanor (on shifts in land rights and the role of contestation and negotiation in southern Ghana) and Toulmin (on secondary rights to access in West Africa).

However, the introduction and four of the contributions are explicitly identified as concerned with violent conflict, with case studies on Zimbabwe, Burkina Faso, Tanzania and Kenya’s drylands. With one exception they do not come to grips with broad themes, that exception being Derman and Hellum’s study of the land invasions in Zimbabwe – and this ends by reminding us that even when conflict involves land, it need not be just about land, for they see the source of the invasions as the protection of political power and access to corruption. Apart from the difficulties of making case studies serve broad themes, and the related absence of much comparative discussion, there is a pair of problems with the notion of ‘conflict’. It is first too vague and all-encompassing to serve as an organising concept, as the range of the situations discussed in the collection makes clear. Thus Witsenberg and Roba’s generally excellent piece on access to water in Marsabit District in Kenya, one which does take up general themes in using their case study to clarify and illuminate theories linking violent conflict to resource scarcity and then to show elegantly why they are deficient, runs into difficulties with changes in types of conflict over time. Can we really assume that cattle raids, now less common than in the colonial period, and much more recent skirmishes between troops from the Kenyan and Ethiopian armies are equally and usefully instances of ‘conflict’?

In turn, a second problem arises, for the nature of a conflict is in part at least formed by its general political context, and notably the nature of the political dynamic – the development of the political system – which both creates and changes that context. A study of Darfur, had it been possible, would have clarified this, since the degeneration of the Sudanese political system, and the resultant more recent phase of the civil war, have transformed the nature of cattle raiding (among other forms of violence) as well as introducing wholly new instances of conflict over land and water access.

Why then spend time with this volume? Every piece has its merits and something to teach us, but several stand out. The introduction provides a painstaking examination of a large body of material on resource scarcity and conflict, on ethnicity and violence, and on issues relating to identity and land. Amanor offers a critique of the conception of a largely customary basis to land tenure, which he sees as an ideological construct rooted in incorporation into the colonial economic system. He then shows us the actual processes through which land rights in Ghana have changed over time, through a careful historical study. Toulmin reminds us of the significance of derived land rights, defined as ‘the range of formal and informal contracts through
which people gain access to land for cultivation from those outside their family group’, and which are ‘very dynamic in form and content’. Derman and Hellum, and Witsenberg and Roba I have already mentioned, although it is worth adding that the quality of the latter makes it all the more regrettable that it was the sole piece on water access. This issue has become of growing importance, and is especially prone to naive ‘scarcity breeds conflict’ interpretations, with predictions of ‘water wars’. It also raises questions about neoliberal economic policies, with both land registration and water privatisation being themselves potential roots of conflict, as well as of intensified poverty.

Sadly Chris Allen passed away in September 2008. He was a valued member of ROAPE editorial working group in the 1990s. A future issue will carry a tribute to his work and contribution to the journal.

_Book Reviews_ 143

DOI: 10.1080/03056240902886166


_Book Reviews_ is not about the industrial North and developing South divide. It addresses the class divide across the globe of those who have enough to eat versus the chronically hungry; what is well documented in this book is that neither group has control over food choices. As we are reminded almost daily, what we buy in the supermarket or in restaurants looks nothing like what our great-grandparents ate, whether in Europe, the US or India. We are all the poorer for it: malnutrition of the obese and of the hungry, polluted water and soils, loss of agricultural biodiversity.

Patel is an excellent story teller. His real-life tales bring us closer to the fields and tables of farmers and consumers, as the ‘book travels the length of the world food system’ (p. 18). The writing is accessible beyond the academic community, but it would have been easier to digest all the graphic details if Patel had paused more often to summarise, for example, exactly what Cecil John Rhodes has in common with Archer Daniel Midlands. If you assign the book for class, your students will have to do the linking back from the rich stories to political economy theories about corporate control over food production, marketing and consumption – as well as resistance to that control all along the commodity chains.

One of the many strengths of the book is that it relates stories about global food production and consumption in Brazil to India to South Africa. The crop (soya in Brazil versus corn in Mexico) may vary, as well as the ecological and financial climate, but the food system remains global. For decades, agribusiness has controlled the US food commodity chain from field to fork, and now with the help of trade agreements such as NAFTA and the WTO, the reach is global. As Patel relates with empirical data and diagrams, the oligopoly control influences government domestic and foreign policy (the link of Rhodes who helped to drive the British imperial command over Southern Africa to Archer Daniel Midlands and Cargill who design the US grain empire). Sometimes the policy is direct (General Marshall making sure US troops in Europe had enough Coca Cola, p. 258) and sometimes indirect (shipping genetically-modified corn as food aid to Southern Africa in 2001, pp. 149–150).

Reinforcing the analysis that distribution and the ability to access food provide feast or famine, Patel addresses the absurdity of advocating technology as a
way to fix these problems, such as in the ‘green revolution’. Although yields did increase as much as five times in India, over a period of 20 years (p. 124), the costs of the new seed varieties were too high. In some areas of the green revolution, ground water dropped over a foot. (p. 125). The number of smallholdings fell by a quarter in the Punjab (p. 126), for small-scale farmers sold their land to cover debt for the purchase of seed, fertilisers and pesticides. Pollution of the soil and water is serious. Patel calls for us to compare the increased yields at high environmental and social costs, not with previous yields but rather, with other areas where farming was collectively and socially organised to profit the smallholder while keeping the cost of food down. Without a green revolution, Kerala reduced infant mortality rates and increased life expectancy. As many have long demonstrated, political solutions more than technology are necessary to end hunger (and obesity), a message that the Gates/Rockefeller Foundations are ignoring in proposing yet another ‘green revolution’ (with patenting of seeds) for Africa.

Patel relies on the profit motive to explain the consolidation of productive forces as well as the introduction of pseudo-foods that make us fat. Of course that drive is central, but to effectively organise resistance we also need to understand the other goals. For example, control over genetic resources (patenting of plants) probably has more to do with blocking future competition, rather than current profit, for the expenditures for genetically modifying seed and patenting are high. Taking resources (land, water, seed) away from farmers brings profits, but it involves a complex process (of proletarianisation), different from the enclosure movement of Europe. Contract farming, for example, means that imperialism no longer needs direct control over land for food production. What does that mean for land reform in Brazil, in Southern Africa? Does it make it easier or harder? We must understand these processes in order to know who has what resources left to resist.

Patel fully describes the MST (Movimento dos Trabalhadores rurais Sem Terra) in Brazil as an exemplary social movement: The MST ‘is in the business not only of producing new kinds of farming, but new kinds of people’ (p. 205). He cites the lessons they have learned from other movements, such as education for production and self-governance paying attention to gender equity. They have links with several universities to send their children to higher education. The key ‘has been the political and social reconstruction and re-education of its members’ (p. 211), and they are trying to be self-financing (p. 212). However, for those with experience with ujamaa in Tanzania or production cooperatives in Mozambique, it sounds all too familiar and we need more complex analysis before we can agree that the MST is avoiding fatal errors.

This book offers current examples that shock and disturb even for those familiar with control over the global food system. The concrete suggestions in the last chapter do not stop with how to change our shopping habits (‘consumer lite’), but remind us that unless we organise for workers’ living wages and rights, and for transformation of rural life, we are wasting our time shopping organic.
The purpose of this book is to link changes in health – including health status, health seeking behaviour and health care provision – with social change in Tanzania. Its contributors span public health, medicine and anthropology and 11 out of 19 are primarily affiliated to the University of Dar es Salaam. This volume of considerable length (14 chapters plus an introduction and conclusion) provides a valuable documentation of many aspects of health care and illness in Tanzania.

The book is divided into four thematic areas: youth; reproductive health and HIV/AIDS; mental health; and poverty and the political economy of health. The constituent chapters could be useful for students of the respective themes with a focus on Tanzania or East Africa more generally, as they provide, albeit somewhat unevenly, a general overview of the official statistical data, the health care services and some case-study material relevant to the topic. However, the book is limited in that most of the chapters focus on the period of intensive structural adjustment reforms and their early repercussions, before the emphasis on sector support or widespread AIDS treatment.

The discussion on youth and health begins with an overview of the situation as exemplified by public statistics and some secondary literature. Chapter one raises worthwhile questions about the limited notions of ‘sex’ and ‘sexual activities’ in most studies of sexual behaviour. Chapter three provides previously unpublished data from a case study of schools in Rombo District, which indicates the importance of mass media and fathers in providing information on sexual and reproductive health. It also points to the reluctance of teachers to engage in sex education, but this should not be surprising given the previous books on other Kilimanjaro districts by Setel (1999), Stambach (2000), and Vavrus (2003). The reduction of health concerns to preventing AIDS, STDs and unwanted pregnancy is not challenged in this book. We are left wondering about the importance of other health issues for youth, such as mental health problems discussed later in the book. The chapters reiterate some of the good classic literature on youth, HIV/AIDS, and mobility. Chapter four argues that it is necessary to differentiate between youth ‘as a problem’ and the ‘problems’ of youth; some of the contributors to this volume are more successful in holding to this commitment than others.

Part two on reproductive health and HIV/AIDS is the least coherent part of the text. Many of the issues in this section were already introduced in the previous chapters on ‘youth’. Reproductive health is completely eclipsed by the discussion of HIV/AIDS. While the overviews given on AIDS in the country and HIV decline in Kagera Region are helpful, if descriptive, they could have been more usefully placed to introduce and make explicit one of the book’s premises: that AIDS is defining the landscape of public health issues in Tanzania.

Part three on mental health is more interesting as the chapters recognise the role of various forms of healing as constituting a response to public health problems. Chapter eight presents a convincing argument that mental health is under-prioritised in the Third World, and is one of the rare places in the book where the actual health care system in Tanzania is brought under consideration. Chapters ten and eleven describe important, understudied issues, but contain considerable overlap and repetition. Chapter nine attempts to link poverty and mental illness, but does not actually succeed in doing so. This
chapter has a striking example of drawing prescriptions that relate exclusively to the author’s ideological stance and not at all to the data from this chapter or the rest of the book. The recommended solution to Tanzania’s mental health problems is ‘more active family planning programs nationally to decrease its current annual population growth’ (p. 207). The fact that such a statement is written by a medical expert and collaborator in this book is perhaps the strongest criticism of section two where the relationship between reproductive health and rights, family planning programmes, population growth and development should have been elaborated.

The final section on poverty and the political economy of health contains a reprint of a valuable, but now historical article from this journal on the impact of SAPs on health. Chapter thirteen is a descriptive case study of maids in Dar es Salaam, which provides some interesting case material, but could have benefited significantly from engagement with the large literature on gender issues in health and employment in Tanzania. Chapter fourteen should have articulated the purpose of the volume, to conceptualise the ‘new public health,’ emphasising interdisciplinarity and a human rights perspective in the case of Tanzania. However, it actually offers little beyond a broad-brush critique of ‘globalisation’ painted through disparate eye-catching quotations and statistics with no explicit connection to Tanzania. Certainly an effective critique of globalisation processes and local impacts is needed, but this requires more than just ‘sobering statistics’: an analysis needs to be made that links the meaning of the Pochantas pajamas in Haiti to the limited availability of drugs in the dispensary in Mlali. The functioning of structural violence has been skillfully demonstrated for the case of Haiti in Farmer’s (1999) work, and in global HIV/AIDS in Stillwaggon’s (2005) work, it would be commendable if the authors in this volume could take up the articulation of structural violence in the Tanzanian health context.

With perhaps a more cohesive editorial sharpening, this book could have been an informative perspective on the current highly politicised debate over the linkages between AIDS and poverty. Updates on some of the chapters could be invaluable for charting the changes on issues such as AIDS treatment (what are the impacts of ARV roll-out?), urban hygiene and policing (what has happened to the ‘children of the street’ when their ‘safe spaces’ are declared unlawful?), and traditional medicine (has the Chama cha Waganga na Wakunga wa Tiba Asilia Tanzania (CHAWATIATA), the Tanzania Traditional Health Practitioners Association, become a recognised actor in providing public health services?). The overriding imperative for promoting social improvement, as represented by the concluding section of many chapters entitled ‘What Needs to be Done?’ is commendable from an activist text; however, the recommendations that are presented tend to reiterate many of the most popular slogans in international development rhetoric, and do not necessarily draw on the empirical material or analysis of the chapter, but branch into other areas of policy for which little or no substantiation has been given. While the collection is empirically driven and lacks a unifying theoretical understanding, some chapters offer interesting discussions of often-neglected aspects of health in Tanzania.

References


This is a very intriguing book. The authors attempt to advance our knowledge and familiarity with Fair Trade. They define Fair Trade as a progressive movement that seeks to bring a sustainable and socially just future for society by altering the nature of trade to benefit those individuals who are adversely affected by the free trade regime. The book is divided into four parts to discuss the historical origins and challenges facing Fair Trade movements.

Part I expounds on the emergence of Fair Trade. The authors give a historical account and show Fair Trade is an intricately woven system of alternative trade organisations, certification groups, labelers and government agencies. The agro-food sector is shown to be the area in which Fair Trade is booming with sales in Fair Trade certified Coffee, Cocoa, Banana and Quinoa (a crop native to Bolivia) growing rapidly.

Part II discusses the evolution of Fair Trade in the northern hemisphere with a focus on Western Europe and the United States. The authors convincingly argue that consumer awareness via social movements has contributed significantly to the growth of Fair Trade in this part of the world. Using Starbucks as an example, the authors show that social image awareness is increasing for corporations and that this creates an opportunity for Fair Trade movements around the world to seek social justice from corporations. However, social awareness by corporations is detrimental to tenets of Fair Trade since, ‘Fair Trade has been bastardized by its mainstreaming in shops and restaurants where most of the products sold are not ethically certified and where major ethical questions are being raised about other aspects of the firms’ business practices’ (p. 57). For example, the authors note that some supermarkets in the Global North only offer shelf space for Fair Trade products and are in no way related to Fair Trade activities. These supermarkets reap where they have not sown because they benefit from a ‘social brand built up through long years of activity by a core of Fair Trade supporters and consumers’, (p. 58) even though they may have in the past and continue to have in the present ethical issues surrounding their operations.

Part III of the book is perhaps the most exciting. It engages in discussion pertaining to the Global South. This part of the world has been and continues to be the most marginalised by Free Trade. The authors show that plantation agriculture and government participation in Fair Trade is common in this region. They ponder whether plantation agriculture undermines Fair Trade’s tenet of helping the poor farmer, and conclude the answer to this question is ambiguous. This is because even though plantations can help increase the amount of goods brought under Fair Trade, they detract from Fair Trade’s goal of helping small farmers. Government involvement is discussed using the cases of Brazil and South Africa. This involvement should not be misunderstood as government owning the farms but as government being actively engaged in Fair Trade via its public policy. The involvement takes the form advocated by modern Post-Keynesians wherein governments’ social programmes and activities work to ensure that social investment activities target the poor and underprivileged in society. The South African government’s Black Empowerment Initiative is shown by the authors to have redefined the nature of Fair Trade in that country. This redefinition was necessary given the deep racial divisions in South Africa and their economic manifestations in the ownership of land for example. The authors

DOI: 10.1080/03056240902886182
credibly show that colonial history, culture and social divisions should be heeded if Fair Trade is to be successful in South Africa.

I find this book very interesting because it offers a fresh perspective on international trade. However, just like the authors, I agree that ‘the key challenges facing Fair Trade arise from the inherent contradictions embedded within this initiative’ (p. 223). If Fair Trade is truly an alternative position that seeks to bring about social justice, it must devise ways to protect itself from conventional economic theory’s Free Trade. It must perhaps do away with market-oriented approaches evident in some plantations. It must also avoid mainstreaming and perhaps adopt country-specific policies as in the case of South Africa. In short, Fair Trade must void itself of the mistakes of Free Trade if it is to achieve its goal of social justice in trade.


This book examines the nature of state capacity and development in the context of the current African crisis. The aim is to offer a plausible theoretical link between state legitimacy and economic development. The central argument underpinning the book is that effective policies and good governance are essential elements for development; furthermore, Africa’s crisis of development is to some extent a crisis of legitimacy. Englebert’s well-informed statistical analysis of Africa’s economic growth indicates that the continent has the worst economic record of all regions, raising the question of whether Africa could extricate herself from the prevailing economic stagnation. Africa’s crisis is tied to the question of state legitimacy – a phenomenon predicated on issues such as the politics of predation and prebendalism, rent seeking, administrative and institutional decay, ethnic polarisation, absence of social capital and the impact of structural adjustment. These multi-dimensional problems have severely weakened state capacity to evolve viable and robust policies for economic growth, reinforcing economic stagnation and the crisis of development. Englebert’s work offers an in-depth analysis of Africa’s crisis of legitimacy with emphasis on explaining the interface between economic growth and stagnation.

The book is divided into three parts. The first dwells extensively on conceptualising the nature of state capacity and development by providing a theoretical link between states’ developmental policies, good governance and economic growth. Comparative empirical studies show that efficient economic policies and good governance are inter-twined and enhance the developmental capacity of the state. Thus, development as a process is a function of viable economic policies and the quality of state institutions. Functional economic policies are manifested in government spending on productive investments: expenditure on education in order to build human capital, investment on infrastructure, which has powerful impact in the long-run on economic growth and development. Moreover, state institutions are strengthened through good governance, which creates a favourable environment for economic growth. For Englebert, realistic economic policies and strong state institutions are *sine qua non* for a developmental state, but seemingly, Africa lacks capacity for the realisation of these economic objectives due largely to political economy of decline and its peripheral position in the international political economy.
Part two constitutes the strength of the book by offering an in-depth explanation of the nature of Africa’s capacity crisis through a systematic application of ‘social capital and ethnic heterogeneity theory’. Englebert argues that social capital theory as a sociological approach to the understanding of development is a vital ‘civic culture’ that contributes to political and economic development. Social capital theory enables explanation of a country’s processes of social organisation, as well as cohesion, trust, norms and social networks that enhances the functional efficiency of society by stimulating organised action. By contrast, in ethnically fragmented societies, political elites tend to foster the interests of their ethnic groups against national interests. This leads to the adoption of policies that are inimical to growth and weaken the quality of state institutions, as state resources are channelled into private social relations. Therefore, social capital and ethnic heterogeneity theories of African stagnation serve as important explanatory variables for understanding Africa’s capacity crisis, and the findings of this book attribute the current crisis of development and legitimacy in large part to the inability of the continent to effectively respond to the international economic environment and to ethnic fragmentation.

My main criticism of Englebert’s work centres on three issues. First, his use of social capital theory is not explicit in relation to the understanding of developmental and capacity crisis in Africa, in that the theory is not relevant within the context of African politics. Second, the valorisation of social capital theory in recent social science research by the neo-liberal institutions (IMF/World Bank) in their re-developed development policy prescriptions has to some extent also exposed the flawed nature of the theory vis-à-vis Africa’s crisis of development, especially when viewed within the context of the failure of the neo-liberal project in Africa. In other words, the basic assumption of the theory is to some extent deeply-rooted in neo-liberal values. Finally, the author has not critically challenged the current iniquitous nature of the international political economy, which peripheralised and reinforced Africa’s crisis of development as argued by many scholars working from a more neo-imperial, dependency or underdevelopment perspective. These criticisms aside, Englebert’s book is a significant addition to the discussion of the state in Africa.
This article is a structural and empirical analysis of the interface between the economics and the politics of elections in post-military Nigeria. Structures and strictures of contemporary economic globalisation and market reforms have weakened nationalistic fractions of the state/political elite, led to the emergence of a largely externally-oriented national bourgeoisie and virtually removed politics from the public sphere. The result has been the increased alienation of the popular classes from politics and the apparent inability of the state/political elite to satisfactorily deal with this alienation. Market reforms during the Obasanjo years, 1999–2007, fuelled astonishing corporate and private profit for transnational capital and the state/political elite through the misuse and abuse of the oil industry. The character of the superintending state, the democracy it purveyed and the elections it organised were anything but redemptive. This article makes a case for a democracy with social relevance through the agency of political struggles whose objective will be to recover the state and politics from the stranglehold of globalisation-induced structural relations of power; they should be re-inserted into the public space where they really belong and used for public purposes such as social justice, credible and legitimate elections and participatory democracy.

Introduction and the Problematique

Several liberal thinkers have established the link between economic wealth and political democracy. They have also underlined the salience of the agency of the entrepreneurial middle class in the democratisation process in Western Europe to advance personal and class freedom and protect and enhance property rights, often out of enlightened self-interest. This phenomenon is summarised in the famous Barrington Moore epigram: no bourgeoisie, no democracy, the latter read as neoliberal democracy (Moore 1966, p. 418). It has also been argued that neoliberal democracy is a rare public commodity in agrarian societies or poor countries. In view of Africa’s generally low levels of GNP per capita and low economic growth rates, veteran political scientist Samuel Huntington (1991, pp. 12–34) has gone so far as to contend that, in many African countries, democratisation will face severe challenges well into the twenty-first century. However, Africa need not take the western route to democracy and development.

In Nigeria, since the mid-1980s the impact of people-unfriendly market reforms has been worsened by wrong domestic political choices. Market-related economic and
social reforms have only resulted in social turmoil, worsening unemployment, run-away inflation and stagflation, spiralling prices of food, unaffordable housing, the enhanced diminution of the majority and (a feat achieved by the Obasanjo presidency, May 1999–May 2007) the near collapse of the energy/power sector, which has crippled manufacturing and virtually everything else. Simultaneously, transnational capital, domestic capital and their objective ally, the state/political elite, have brought in vast fortunes from the neoliberalisation of the economy. For the latter group, and others with access to power, the country’s huge oil wealth remains, by far, the most coveted political trophy. As a consequence, the country’s state/political elite has been driven by an intrusive and offensive mercenary mentality. This has resulted in a phenomenal loss of the spirit of political evangelism and reforming zeal, fired by commitment to the cause of political nationalism and Pan-Africanism, found in a cross-section of the immediate post-independence elite.

Financial and material resources privatised from the public sector are massively deployed in intra-party and inter-party political contests in a brazenly violent and venal manner. To that extent, elections are often no more than selections whilst democracy, as a project of social transformation, is a victim of a permanent coup d’etat by the ruling elite against the majority. As the democracy crisis deepens, the legitimacy deficit of democratic institutions and elected representatives tends to worsen, resulting in further distancing and alienation of the representatives from the electorate. To the extent that Nigeria’s democracy has hardly gone beyond electoral consultations, it is perhaps legitimate to talk about both a democracy and development impasse.

This article proposes a structural and empirical analysis of the interface between the politics and economics of post-military elections in Nigeria. It situates the discussion within the context of contemporary economic globalisation, which is both a structure of opportunity and constraint, but more of the latter than the former for developing economies such as Nigeria. The imposition of market policies has led to the reduction of politics to an elite competition between rentier bourgeois groups. The consequence is that elections have been reduced to a ‘winner takes all’ competition for control of the state and the spoils that may thereby be accessed. The article explains why elections in Nigeria, right from the early period of independence, were to a considerable extent a competition for spoils, although it is arguable that by tearing down whatever remained of the country’s emergent developmental state, market reforms transformed Nigeria into a deeply corrupt rentier state. Market policies have done little to solve the problems of venality and political competition for spoils. On the contrary, they have tended to exacerbate these problems. This article contends that during the Obasanjo years further market policies worsened these propensities in Nigerian politics. In particular, this was due to the enmeshing of the remarkable wealth, partly derived from direct primitive accumulation of retired senior military officers turned active politicians, with that of ‘professional’ business operators, in what has been described as the ‘military-business complex’ (Adekanye 1999, p. 29).

As politics becomes increasingly monetised and invariably volatile, neoliberal democracy and periodic elections lose their meaning for those for whom the state has become increasingly irrelevant under market reforms. On the contrary, those who have the power and leverage to structure phoney democracy and organise flawed elections, bask in the euphoria of big business and investment that delivers huge financial, political and electoral capital. Haynes (2001, pp. 30–31) argued that while structures are determinant in routinising democracy, they are far from being deterministic, and that ‘what individual actors do’ is equally significant. In the event, beyond public rhetoric,
neither President Obasanjo nor the state governors did enough to demonstrate a genuine commitment to entrenching democracy, the rule of law, due process and transparency in the governance of the country’s public sphere.

It is proposed that a way out of the democracy and development impasse in Nigeria is a democracy with social relevance and resonance. This is envisaged as a remedy for lessening the intensity of flawed elections and mitigating the impunity with which such elections are foisted on the people and the palpable arrogance of their beneficiaries in power. It is argued that political struggles are necessary to recover the state and politics from the stranglehold of structural relations of power between transnational and domestic capital; they should be re-inserted into the public space where they really belong and used for public purposes, including credible and legitimate elections, social justice in the economic relations of power and participatory democracy. This calls for popular political struggles and strategies to reconstruct and transform the Nigerian postcolonial, post-adjustment state. One such strategy would be a far-reaching and multi-faceted alliance between critical non-state organisations/actors and fractions/factions of the state/political elite that are committed to deep-seated structural and systemic transformation in the political economy.

The article is divided into six sections. The first section analyses the theoretical relationship between neoliberal political economy and the state. The following section examines the structural relations of power and commodified democracy in Nigeria. The third section expands on market reforms and their debilitating political and electoral consequences, whilst the fourth section investigates the nature of political parties and democratic and electoral politics. The next section briefly looks at the political agency of President Obasanjo. The conclusion recommends what should be done to make democracy a people’s affair in Nigeria.

Neoliberal Political Economy and the State

The post-Cold War framework of neoliberal political economy has two strands: a neoliberal or market economy and neoliberal democracy. Neoliberal analysts of states in the Global South often give the impression that both strands of neoliberalism are required for development to take place. Thus, writing in the heady early days of structural adjustment and political liberalisation in Africa, Larry Diamond (1992, p. 32) lamented that for many emergent neoliberal democracies in the early 1990s, ‘debt service obligations swallow up scarce resources needed for investment and imports to rekindle economic growth and thus strengthen public commitment to democracy’. Whilst making a case for debt forgiveness by the western powers so that ‘new democracies’ would not be stifled by ‘continuing economic stagnation, popular alienation and political turmoil’, he entered a rider: ‘these new democracies deserve a fresh economic beginning if they are willing to pursue serious market-oriented reforms’ (Diamond 1992, p. 32, emphasis added). For Diamond, ‘promoting democracy…implies fostering market-oriented economies…only market-oriented economies provide the conditions for legitimating democracy’ (pp. 27–28).

It would appear that given his neo-conservative leaning, Diamond chose to ignore the implication of this: that authoritarian governments would be needed to implement market reforms more or less successfully. Clearly, illusions about democracy and development within the context of latter-day globalisation persist, with serious negative consequences for developing countries. Here, economic liberalism has proven to
be a robustly anti-democratic project, which attempts to divorce democracy from human development, in the belief that democracy and development can flourish in the absence of an effective and efficient state.

The state in Africa has been extremely ineffectual in using globalisation and market fundamentalism for nationalistic purposes. Both in its post-colonial format and in its further weakened post-structural adjustment form, the nature of the African state in relation to democracy and development has been an object of severe interrogation. From a comparative South-South perspective, Boron (2005, p. 168) lamented that after several years of democratic transitions, what was on offer were ‘democracies without citizens, or free market democracies whose supreme objective is to guarantee the profits of dominant classes and not the social welfare of the population’.

The internationalisation of the state, exacerbated after the Cold War, has tended to subordinate critical domestic concerns for genuine democracy and human development to the dictates and demands of transnational capital. The World Bank, the IMF and the G8 routinely deploy both soft and hard powers in order to make poor nations toe the line of neoliberal policy. They are urged not to re-invent the wheel in their quest for development, but to imitate the supposed market-based, private sector-led development trajectory of the West. The state, it is claimed, has little or nothing to do with this process other than to provide an enabling environment for transnational capital and other market-driven actors to deliver development.

Many African governments have accepted this myth as an article of faith. Private sector-propelled development, a core element of the Washington Consensus (WC), constitutes little more than a thinly veiled macro-economic blueprint for the maintenance of the international division of labour structured by colonialism. The original WC imposes neoliberalism and market fundamentalism on developing economies through, *inter alia*, fiscal discipline, subsidy withdrawal, financial and trade liberalisation, openness to foreign direct investment (FDI), privatisation and deregulation. In contrast, the main emphasis of a post-WC rethink of neoliberal market orthodoxy, which emerged in the late 1990s in the wake of severe contestation of the WC by transnational social movements, is economic policy that is not only ‘socially sensitive’ but also capable of allowing the state to discipline and socialise the market (see, amongst others, Vilas 2003, pp. 97–98, Stiglitz 2004, pp. 218–221, 229–230, Adesina 2005, pp. 33–62). This post-WC view favours corporate governance, flexible labour markets, anti-corruption, World Trade Organisation (WTO) agreements, social safety nets, targeted poverty reduction, etc. These hegemonic global policy discourses insist that there is little in the way of alternatives to the market reforms for ailing developing world economies they offer.

Whilst some neoliberal market instruments are undoubtedly required to make the economies of developing countries more competitive, individual states have barely had the necessary space and autonomy to take hard economic and political decisions on their own terms. The ‘credit contract’ has often impacted negatively on the ‘social contract’ between governments and citizens in many African countries. The consequences have been dramatic; in much of the continent, the tendency has been an over-reliance on foreign direct investment (FDI), materials, personnel and skills at the expense of national resources, including people. The sum total of increasingly frail public institutions and grinding economic and material hardship of the population is mass political alienation. An overtly technical approach to social questions has tended to obviate a more sanguine and pragmatic political approach capable of
dealing with this alienation. In order to move forward, this situation has to be reversed.

Structural Relations of Power and Commodified Democracy in Nigeria

In order to strike a socially-relevant balance between the roles of the state and the market for development purposes, it is crucial for both state and non-state actors to be more attentive to Joseph Stiglitz than to Larry Diamond or Charles Lindblom, who argued, even earlier than Diamond, that market-oriented systems and political democracy have always been mutually reinforcing elements of neoliberalism. He famously wrote:

*only within market-oriented systems does political democracy arise. Not all market-oriented systems are democratic, but every democratic system is also a market-oriented system...political democracy has been unable to exist except when coupled with the market. An extraordinary proposition, it has so far held without exception. (Lindblom 1977, p. 14)*

Yet, what Lindblom calls the ‘market-oriented system’ in the West differs from the post-Cold War market-based economic reforms forced on Africa. First, following Shutt (2001, pp. 71–72) and MacEwan (1999, pp. 30, 41), there is no country in recorded history that has developed by adopting laissez-faire economics. The only approximate historical exception – the UK between 1860 and 1914 – accorded an important role to the state in key public services and utilities such as water, power, telecommunications and education. Second, Amartya Sen has made the important point that: ‘there is no country in the world in which basic health care and basic education have been adequately addressed by the private sector’, adding that the popular notion that *the less the government the better* is nowhere sacrosanct: this is because those ‘who rightly identify that quite often regulations are counter-productive do not go on to see that sometimes they are quite productive’ (Sunday Times 2007).

African ‘high priests’ of market orthodoxy need to listen to Joseph Stiglitz. In his *The Roaring 90s* (which has an instructive sub-title, _why we’re paying the price for the greediest decade in history_), this former World Bank chief economist and, like Sen, Nobel laureate in Economics, makes several important observations which are pertinent to the further elaboration of the problematique in this article. First:

*the 90s marked the high-water point of finance and market fundamentalism. Those who became wedded to such ideas are often slow to give them up. They say the problem was that the reforms were not carried out with enough vigor...the problem is not just the implementation of the ideas, but with the ideas themselves...there needs to be a balance between the role of government and the market. A country can suffer from under-regulation as it can from over-regulation, from too little public investment, just as it can from too much public expenditure. (Stiglitz 2004, p. xiv; emphasis added in text not italic)*

Second, each country is invited to choose ‘a variant of market economy’ different from the WC, with a view to achieving a society characterised by less inequality and better human development spending, especially for the poor. Markets cannot work and solve all problems on their own. Consequently, governments constitute important partners
to markets (Stiglitz 2004). Third, and perhaps most important, is that the ascendancy of the market and finance in the 1990s effectively relegated politics to the background. Stiglitz elaborates:

... countries, including the US, were told to accept the discipline of the market. Long-standing wisdom that there were alternative policies, that different policies affected different groups differently, that there were trade offs, that politics provided the arena through which the trade offs were evaluated and choices were made, was shunted aside. (Stiglitz 2004, p. xxii)

He adds, instructively, that ‘a country subjects itself single-mindedly to the discipline of financial markets only at its peril’ (Stiglitz 2004, p. 276). In the absence of the right economic policies, growth and stability were not enhanced, nor were the fruits of prosperity widely shared. Indeed, the overall thrust of contemporary market reforms has been bereft of equity considerations (Stiglitz 2004, p. xxx, 23).

Stiglitz equally contends that whereas the logic of credit contract in the ‘economic’ or ‘market’ world has led to the dismantling of ‘essential pieces of the social contract’, the logic of the latter in the real world hinges on ‘implicit contracts, understandings, norms which enable society to function well’ (Stiglitz 2004, p. 273). Such understandings and norms, within the context of Africa’s communal and moral-security societies, sit uncomfortably with America’s triumphalist capitalism and its vision of rugged individualism that were unconscionably forced upon African countries through neoliberal policy. The result has been a lack of judicious balance between the roles of the state and the market. Nearly three decades of neoliberal economic policy have shown that deregulation/liberalisation/privatisation, a product of ‘the big, bad government myth’, has hardly delivered on its promise of ‘robust long-term growth’; rather, it has often ‘unleashed new sources of conflicts of interest, new ways of manipulating markets’ (Stiglitz 2004, p. 276). Finally, Stiglitz juxtaposes the ‘materialistic values that are paramount in the growth and efficiency agenda’ with what he describes as the three core values of Democratic Idealism: social justice; democracy and freedom; and the relationship between individuals and the communities in which they live (Stiglitz 2004, pp. 294–295).

Writers such as Schneider (1999, pp. 325–334) have demonstrated the relevance of such preoccupations (described as ‘historically produced societal behaviour and the structures that accompany it’ by Haynes 2001, p. 31), and of path dependence, for the design of appropriate reform programmes and policies in the African context. In Nigeria, despite protests by students and workers against key elements of market reforms (in particular ‘deregulation’), they have, nonetheless, been implemented since the 1980s with scant regard to important questions of equity and social justice. In order to adequately grasp and analyse the structural relations of power and commodified democracy in Nigeria which explain this, it is necessary to: (1) revisit and reassess the electoral and democracy legacy of British colonialism in Nigeria and the role of its contemporary offshoot, the donor and international community; and (2) apprehend the character of market reforms before and during the Obasanjo years, as well as their impact on the Nigerian state and politics, inclusive of its impact on social differentiation and on the efficacy or otherwise of electoral democracy.

On the first point, and at the risk of over-simplification, the debate in the 1960s and 1970s at, amongst others, the Universities of Dar-es-Salaam (Tanzania) and Ibadan (Nigeria) split African scholars, mainly political scientists and historians, into two camps. The first camp consisted of those who argued that colonialism was no more
than an ‘episodic event’ in African history and politics. The second was made up of
those for whom the consequences of colonialism on the politics, societies and econom-
ies of African states were of an ‘epochal dimension’. Two diametrically opposite ideo-
logical orientations would emerge from the debate. The first camp was made up of
‘neoconservatives’ who felt that after independence Africa should stop blaming colo-
nialism for its underdevelopment and move on. The second consisted of more pro-
gressive scholars and analysts who were persuaded that colonialism left a
permanent negative mark on the continent’s development outlook and body politic,
and that Africa could not move on without dealing with it. As if echoing the
epochal dimension of colonialism, Haynes (2003, p. 52) argued that ‘democratic out-
comes (are) linked to pre-existing structural characteristics’. Based on the Ghanaian
case in which elected governments have had to contend with an international financial
and economic system that has not become any more favourable to what is an emergent
neoliberal democracy, Haynes (2003, pp. 48–76) contended that post-independent
African governments have been forced to work with international and domestic struc-
tures that undermine attempts to deliver changes to the substance of rule. While there
is little doubt that neo-colonial interests and domestic clients have always benefited
from the state’s primordial task of organising production for external profit, this
process has been exacerbated since the 1980s by market reforms (Khadiaghala 1990,
p. 348).

Looking at Nigeria, British colonialism left an indelible conservative imprimatur on
the country’s politics and society. The general perception of informed public
opinion is that ‘the British programmed Nigeria to fail’. According to Abati (2005), a
leading Nigerian columnist, ‘by the time (the Brits) were leaving in 1960, they had
sown enough seeds of division that would keep the country permanently in
turmoil’. In a fundamental sense, the propensities in Nigerian politics for deadly pol-
itical competition, spoils and corruption have, at origin, an original political/electoral
and demographic sin by British colonial authorities. The political/electoral sin was the
rigging of the foundational 1956 regional and 1959 federal elections in favour of pro-
British conservative politicians of the Northern People’s Congress (NPC) and their
allies in the Eastern and, to a lesser extent, Western Regions who did not really
desire political independence. The demographic sin consisted in the falsification of
the 1952 foundational census, ostensibly to give ‘an artificial majority to a North
that was largely feudalist by tradition and conservative in political outlook’
(Soyinka 2006, p. 61). Taken together, this amounted to the very negation of the
Nigerian nation and the hollowing out of a legitimate state.

In explaining this, Mackintosh (1966, pp. 32–33) referred to the attachment to North-
ern Nigeria of colonial officials who had served in the region, something that was
absent amongst those who had served in the South. In contrast to Southern leaders
such as Dr Nnamdi Azikiwe and Chief Obafemi Awolowo who were considered
‘radical’ by the colonial authorities by virtue of their so-called ‘word of warfare, accu-
sations and challenges’ against the colonial government, Sir Abubakar Tafawa
Balewa was the ‘poster boy’ of the British. Not only were his speeches said to
share ‘the same moderation, the cautious phrases, the doubts about rash or rapid
action and the same hint of underlying toughness’ comparable to those of Macmillan,
he and his colleagues in the NPC were regarded by the British as ‘the best hope for
the country, men with whom it was possible to deal on a frank and realistic basis’
(Mackintosh 1966, p. 33). In addition, the British colonial regime pursued a policy
of stopping Awolowo, his Action Group (AG) and their programme for democratic
socialism.
Little attention was paid to the fact that the British Parliamentary system was being artificially grafted on to ‘a patchwork nation with different pre-colonial histories and systems of self-governance’ (Soyinka 2006, p. 63). This resulted in a fractured and divided country in which national cohesion and unity were largely rhetorical and the civic public realm essentially fictional. It explains why Nigeria imploded only five short years after independence, and highlights the need to interrogate this precedent for election rigging as an acceptable substitute for free and fair elections. As Soyinka (2006, pp. 62, 68) has noted, even in the early heady days of rampant nationalism and nation building, ‘electoral robbery, rather than equitable contest was already the rule of the nation’. According to Harold Smith’s unpublished 1987 autobiography, he was ‘ordered’ by the Home Office to participate in the rigging of the 1959 elections, something which has led him to conclude that ‘it was the British who taught Nigerians the art of rigging’ (Soyinka 2006, p. 61, note 1; see also Ankomah and Price 2005).

This may well have driven emerging nationalist/post-independence leaders and their political parties into their respective primordial, security and ethnic camps from where they have yet to effectively re-emerge, nearly half a century after the formal dismantling of the colonial edifice. It was as if they had no choice but to defend their privileged political turf against foreign rule. Thus, Taylor and Williams (2008, p. 139) miss the point when they castigate the Nigerian ruling elite for relying ‘upon the trapping of a rational order (neo-Weberian) even as they consistently subvert it for their own advantage’. Similarly, Chabal and Daloz (in Taylor and Williams 2008, p. 141) were wrong when they suggested that Africa’s democracy deficit is largely due to the lack of consolidation of the colonial democratic legacy. The deficit is a function of the attempt by the political leadership to consolidate rather than systematically repudiate the anti-nationalist ethos and credo in the colonial legacy. This explains the current democracy, political and economic impasse. So, if it is true that, in contemporary times, ‘clientelism, patronage and corruption are absolutely central to understanding the political economy of Nigeria’ (Taylor and Williams 2008, p. 141), it can be deduced that all that the post-colonial inheritance elite has done has been to imitate its colonial predecessor (Aremu and Omotola 2007, pp. 53–79). However, it is essential that not only its crude and self-serving origins and antecedents are grasped, but also its contemporary manifestations, lest the analysis becomes mired in the sticky clay of essentialist reasoning.

Why did the post-independence elite not change the paradigm of governance it inherited? First, it suited its leading members perfectly. More specifically, the ruling party at the centre that stood to benefit the most from a paradigm bereft of a deliberative ideology of governance of the public realm had no desire to change it. Virtually all Nigeria’s post-colonial governments to date have been thrust to power without a concise national ideology, let alone a popular and liberating one. Indeed, the impact of neoliberal policy is so socially debilitating precisely because there is no viable, cohesive and people-friendly state to pursue authentic pro-poor, pro-growth and pro-development alternative policies. However, the country is not short of time-honoured endogenous principles, ideas and values that can anchor the process of Nigeria’s modernisation (Nduka 2006), and without which the Nigerian state and its rich oil economy will continue to be looted by international capital and its domestic allies. Reform-minded governments and political leaders have had little room for autonomous public policy initiatives, while what passes for political stability is really neoliberal democracy in disguise. Thus, there is an international clientilist system linking the country’s state/political elite and the ruling class in key western capitalist countries, a system that seeks to make Nigeria safe for globalised capital. International clientelism feeds into
its domestic variant at the level where the state/political elite exercises relative hegemony, perhaps as a means of compensating for their vulnerability at the international level. In this regard, the Nigerian political system has not developed much since the colonial period. Neoliberal economic reforms undertaken, first by the Babangida and Abacha military regimes and later by the Obasanjo government, have had the effect of further entrenching state/political elites, including members of the military-business complex, in power. By the same token, they have further concentrated the state and its resources in their hands. The article now turns to the market reforms.

Market Reforms in Nigeria and their Debilitating Political and Electoral Consequences

Markets are a means to an end; their goals are generally narrow, such as higher living standards and material well being, rather than broad-based values, such as social justice. Thus Stiglitz (2004, p. 292) has argued, not only that ‘unfettered markets often fail to achieve even these limited objectives’, but also that ‘poverty may increase even as the economy grows’ whilst ‘unemployment represents the most dramatic failure of markets’. The World Bank and the IMF have tended to present markets to African governments as if they are financial institutions that are sacrosanct and infallible. However, in reality they are political institutions that can and do fail. They are also susceptible to manipulation, not only by monopolies and oligopolies, but also by the global powers that be. Hence Payer’s (1991, p. 117) contention that ‘the truly scarce commodity in the world today is not capital, it is markets’.

Its deepening and widening inequalities notwithstanding, the US, the archetypal capitalist if ‘inhumane society’, is perhaps ‘the model society’ that countries such as Nigeria, with its American-type presidential system of government, are expected to mimic (Przeworski, in Good 2002, p. 85). The Enron scandal exposed the limits of deregulation. Although the firm had been presented as ‘the model of the new American enterprise’, one that showcased the virtues, both of deregulation, and of ‘how innovative American firms could help shape a more productive economy if only they were given the chance’, Enron’s profits were due to the manipulation of the market by its executives in a way which covered up the firm’s liabilities whilst exaggerating its income (Stiglitz 2004, pp. 241, 242–243). This prompted some perceptive analysts to argue that ‘hidden theft had evidently been part of capitalism for a long time’ (Stiglitz 2004, p. 273). By buying into the deregulation mantra, the Nigerian state/political elite knew exactly what it wanted: the hollowing out of the state’s commanding social purposes such that special interests could override the overarching public interest, the latter expressed as social justice and as a democracy that grants concrete rights. The consequence has been a huge deficit on the supply side of the social and economic dividends of neoliberal democracy. By undertaking another round of market reforms, on top of the ruinous social legacy of those by its military predecessors, the Obasanjo government exacerbated this deficit.

This is explained by The Economist Intelligence Unit (2006, pp. 30–31). Throughout the eight-year life span of the Obasanjo government, the People’s Democratic Party PDP, the ruling party at the centre, did not enunciate any discernible policy blueprint or coherent ideology of governance that Nigerians could debate and buy into. Beyond inchoate expressions of political and economic reforms, there was hardly any declaration of commitment to the politics of structural and systemic transformation of the
Nigerian state. The government’s National Economic Empowerment and Development Strategies (NEEDS), echoing the Abacha government’s Vision 2020, was conceptualised as an economic reform programme anchored in the private sector as the principal engine of growth and development. This neoliberal policy was largely characterised by the inability of the state to discipline capital. As in the past, this was evident in the oil industry and in the hegemony of the military-business complex, which was dominated by the country’s retired military elite and Corporate Nigeria. The oil sector has always had a notorious reputation for lack of transparency and accountability. Under Obasanjo, who for much of the period doubled as Minister of Petroleum, basic information on oil transactions involving production volumes, costs and export prices was hardly shared with relevant government agencies such as the Federal Revenue Service and the Office of the Accountant-General. In its absence, these agencies found it difficult to discharge their statutory functions of assessing and reconciling taxes and verifying government revenues. Similarly, the Nigerian National Petroleum Corporation (NNPC), officially the senior partner of the oil production joint ventures operated by the oil majors, lacked the capacity for independent sourcing of information on the production data of foreign and domestic players in the industry. Moreover, contrary to the letter of the law, royalty calculations were done on the basis of budget-related output figures rather than on the basis of the higher wellhead production data, something which explains why the theft of crude oil continued to be a routine occurrence. An estimated 300,000 barrels of crude oil were stolen on a daily basis during the Obasanjo years. More astonishing was the fact that, in flagrant violation of existing laws, royalty and petroleum profit tax were paid in naira instead of US dollars, the currency of transaction.

The Nigerian Extractive Industry Transparency Initiative (NEITI), an international protocol to which the Obasanjo government subscribed in its early days, aimed at ‘following due process and achieving transparency in payments by Extractive Industry (EI) companies to governments and government linked entities; and in the revenues received and reported by those governments and entities’ (NEITI Secretariat 2005, p. 4). However, this did little to stem the tide of rampant venality in the oil sector (The Economist Intelligence Unit 2005, p. 29). For example, in May 2006 there was an un reconciled shortfall of US$250 million in government revenue between the Nigerian National Petroleum Corporation (NNPC) and the Central Bank of Nigeria (CBN) figures (Revenue Watch Institute 2007, p. 3).

Due to a combination of undue political control by successive Nigerian governments and a seeming lack of professional autonomy at its apex, the CBN has never excelled in keeping proper and accurate oil payment and sales records. It was thus not clear whether the huge shortfall mentioned previously had been ‘misclassified, wrongly posted or somebody …did not make payment of what (they) should have paid’ (The Guardian 2006, p. 25). These agencies and, by implication, the Obasanjo government, could not account to the Nigerian public for the use to which high oil rents was put. The international market price of a barrel of oil rose from a paltry $20 in January 2002 to $68 in August 2005 to approximately $100 before the 2007 elections. The government was earning at least $100 million daily from the sale of crude oil overseas. With foreign reserves bulging and the government getting richer each day, it was paradoxical that domestic prices of petroleum and petroleum products increased continuously, in defiance of the logic of the market. This was due largely to the fact that the government continued with the practice, started by the Abacha regime, of importing refined petroleum products for domestic use. This was due to the inability (and perhaps also unwillingness) of the government to ensure that necessary repairs to,
and maintenance of, the country’s refineries were undertaken. This further deepened venality in the oil industry through the apparently reckless award of contracts for the importation of refined petroleum products.

Elite competition for resources and power involving an array of players (oil companies, marketers and importers, many of whom act as fronts for senior government officials, party financiers and ‘godfathers’, retired military officers, veteran politicians, etc.) grew fiercer as the sector raked in huge foreign exchange earnings. The public quarrel between President Obasanjo and Atiku Abubakar, his deputy, in the countdown to the 2007 general elections, about the illegal diversion of oil monies in the Petroleum Technology Development Fund (PTDF) to fund their re-election in 2003, gave Nigerians a rare glimpse into the operation of the spoils system during the Obasanjo years. Mutual accusations of corruption showed the pattern of the system: cronies, aides and associates got access to easy money for personal use, conspicuous consumption and, invariably, to buy votes from an impoverished electorate (This Day, 2006). Ndibe (2006a) would welcome this development to the extent that, until then, ‘Nigerian leaders (including the worst of its military dictators) passed themselves off as patriots and visionaries seized by the impulse to serve’; for him, the public argument provided ‘a rare peep into the larcenous ways of their so-called leaders . . . (and) the perfidious modes employed by the likes of Sani Abacha, Ibrahim Babangida, Obasanjo and Atiku to accumulate their Olympian wealth’. Abacha’s extraordinary loot, estimated at between $3 and $5 billion, is well documented, apparently because he was the object of investigation by the Obasanjo government. The latter was able to do that, not so much because Abacha had imprisoned Obasanjo on trumped-up coup charges, as that the former had died in office. Babangida, whose regime could not account for approximately $12.2 billion in a Gulf War oil windfall, and the other living ex-military rulers were never formally tried and brought to justice (The Punch, 2008) The excessive monetisation of politics and the influence of ‘moneybags’ would result from the excess liquidity injected into the polity, not only by these retired heads of state, but also by the compact set of retired military and non-military ‘new-breed politicians’ thrown up by the political transition programmes of the Babangida, Abacha and Abubakar regimes (Fawole 2005).

The retired military officers and their civilian acolytes constituted the linchpin of the state/political elite that reaped a bountiful harvest from the market reforms of the military era. Due largely to their political careerism, opportunism, primitive accumulation and venality while in power, the retired military used its strong financial muscle to peddle influence and build up a formidable constituency in the politics of the 4th Republic (Adekanye 2006). This saw ‘the phenomenal entrenchment of the country’s military within the system of power and privilege and its distribution’, as well as the hegemony of ‘military in government’ as against ‘military as institution’ (Akinrinade 2006; see Boafo-Arthur 2006 for comparative material on Ghana)

According to Adekanye (1999), with huge investments in diverse areas of the economy, the retired military elite has constituted itself into a ‘strong and rising new elite’ (p. viii); it is enmeshed with business in interlocking links with transnational capital through subsidiaries of MNCs (p. xii); and it has also served as economic managers in industry and the private sector, on corporate boards and as company directors, thus attempting to bridge the gap between ‘the means of destruction and the means of production’ (p. 30). This explains why the retired military became ‘the most visible political group’ at the beginning of the 4th Republic and acted as the arrowhead of the coalescence of the retired military elite with sundry civilian elite groups to serve
their common interests (Adekanye 1999, pp. 148, 165). The foray into politics by this group, and its support for certain candidates, was far from being altruistic, nor was the choice of political parties they joined fortuitous. First, the political North sought to protect its strategic, political, corporate and economic interests by persuading Obasanjo to run for the presidency. Second, whilst the retired military was to be found in all the political parties, the richest and the most politically powerful chose to cast their lot with the People’s Democratic Party (PDP), the only party that had the most realistic chance of wresting power at the centre in 1999. Thus in addition to Babangida, three other well-known retired generals financed Obasanjo’s presidential campaign in 1998/1999: Theophilus Danjuma (Obasanjo’s First Defence Minister), Mohammed Gusau (his Security Adviser) and Mohammed Wushishi (Chief of Army Staff between 1980 and 1983, with vast investments in business and farming) (Adekanye 1999, pp. 167–168, 184, 2006, Akinrinade 2006, p. 291, Ikharial 2007). There were also several less visible players from that elite group who contributed financially to the election and re-election of Obasanjo, respectively, in 1999 and 2003. The market reforms undertaken by the Obasanjo government would reinforce and strengthen the grip of this group on power and state resources. They would also engender a crop of new political players.

This article has already alluded to the fact that markets are easily manipulated by the strong powers to protect and enhance special interests. Nowhere was this elite strategy of self-preservation more visible under Obasanjo than in their dominance of the privatisation of publicly quoted enterprises by the Trans National Corporation Plc (Transcorp). There is ample evidence that Transcorp was a highly favoured, government-driven mega-company (Abati 2006a, Aluko 2006, da Costa 2006, Ofose 2008, African Loft 2008). Its formal objectives appeared lofty. Transcorp was incorporated in November 2004 ‘as a government-backed initiative to jump-start the reform process and broaden the scope of competitiveness in the Nigerian economy’. Its founders claimed that it was modelled after the Korean chaebols with a view to creating ‘a new economic order’. It was also presented to the Nigerian public as ‘a national economic empowerment initiative’ (Abati 2006a). Yet from the commencement of its operations in May 2005, politics, not business ethics of rugged competition, has been its driving force. The interplay of the political power and financial muscle of its founders ensured that it was listed on the Nigerian Stock Exchange as early as April 2006, at a time when its shares were sold to the public. Politics has ensured Transcorp’s meteoric rise, which was demonstrated in its participation in virtually all sectors of the economy, including oil and gas. With capital in excess of ₦17 billion in 2006 raised through the stock market, Transcorp became a big corporate player, which easily acquired controlling interests in Hilton, the largest hotel in the country, and in Nigerian Telecommunications (NITEL). Early on, it also obtained concessions to build a Lekki Free Port Zone and oil refinery in Lagos, an independent power plant and a cassava processing facility (da Costa 2006, Abati 2006a, Daily Trust 2006, Aluko 2006, Nwogwugwu 2006, Ofose 2008, Ugeh 2008).

The government’s much-vaunted corporate values of transparency and due process were systematically violated in favour of Transcorp. Its shares were hardly valued fairly vis-à-vis those of its potential competitors (Nwogwugwu 2006). This was most glaring in the so-called ‘negotiated sales arrangement’ between the Bureau for Public Enterprises (BPE) and Transcorp, which resulted in the sale of NITEL to the latter. After a long-winded sale process by the BPE that started in 2002, and involved foreign bidders such as the British-owned Investors International London Limited and Egyptian Orascom, in 2006 the Obasanjo government sold 75 per cent equity at the cost
of $750 million (₦7.5 billion) to Transcorp in partnership with British Telecom and Etisalat of the United Arab Emirates (Abati 2006a, Nwogwugwu 2006, Nwakwo et al. 2008). The claim by the government that Transcorp was the most competent of all the 28 companies that expressed interest was hardly convincing. Key personalities involved in Transcorp included President Obasanjo (who reportedly owned about 200 million shares in the corporation through a blind trust), and his cronies and loyalists. The latter famously included Dr Onyiuke-Okereke, Director-General of the Nigerian Stock Exchange, who doubled as the chairperson of Transcorp, and Fola Adeola, a banker and an emergent protégé of Obasanjo, the corporation’s Managing Director. Nominated by Obasanjo to the Board of Tony Blair’s Africa Commission at the height of his corporate power, Adeola was relieved of his appointment as Transcorp MD after he declared his ambition in 2006 to run for the Ogun State Central Senatorial District on the platform of the ruling party in the 2007 general elections. This was the same position coveted by Obasanjo’s first daughter, Iyabo, the Health Commissioner in the state at the time. Other high-profile members of Transcorp eventually showed their hand in making huge donations to Obasanjo’s re-election campaign and to the Presidential Library Project. They were also unmistakably implicated in the campaign to amend the 1999 Constitution in order that Obasanjo could have a third term in power (Abati 2006a). Towards this end, financial inducement was used to buy the support of opponents of the proposed prolongation. There was a massive inflow of foreign exchange into the system, with many rumours about the news that each National Assembly supporter received ₦50 million (Adebiyi 2006). In any event, ‘bags, containing millions of naira, were dangled before legislators as bait’ (Ndibe 2006b).

The consequences of the spoils system that neoliberal policy exacerbated in Nigeria during the Obasanjo years include the following: the accentuation of existing social differentiation; the further fractionalisation of state/political elite; and the distortion of politics as big business and lucrative investment. On the first point, there are three ways in which contemporary capitalist societies are stratified. These are: ‘systematic inequalities associated with access to property, jobs and life chances in general’; ‘the possession of economic and power resources’ and consumption as ‘the basis for new social cleavages’ (Crompton 2002, pp. xiv, 11, 20). Through policies such as the removal of the subsidy on oil and its multiplier effects on consumer and other goods, and abolition of free tuition and campus accommodation in federal universities (a public policy which for nearly four decades provided the opportunity for children of peasants to access tertiary education), the Obasanjo government’s market reforms encouraged the dismantling and erosion of whatever remained of the social citizenship of Nigerians, in addition to swelling the ranks of the (particularly young) poor and disadvantaged. Some of these vulnerable young men (and women) would later be recruited as foot soldiers, thugs and valiant bodyguards by political parties, politicians and emergent ethnic-based militias.

Whereas there is a pan-Nigerian ruling group that cuts across known cleavages of ethno-nationality, religion, geography, gender and political philosophies, the Nigerian state/political elite (and foreign and domestic capital) has always been factionalised and fractionalised around which personalities and ethno-national groups or sub-groups should, at any point in time, occupy the highest political offices and preside over distributive politics. This phenomenon is experienced at all the three levels of government (federal, state and municipal/local). It is experienced equally by as many political parties as are able to win power at any of those levels, although, logically, ruling parties are more prone to internal dissension and cutthroat competition. In
Nigeria, ruling parties have always been subject to serious internal strife. The PDP (no less than the All-Nigerian People’s Party (ANPP) and the Alliance for Democracy (AD), two of the major opposition parties) has been no exception to this rule. In view of the large number of retired military and veteran politicians jostling for influence and power within it, many of whom are spectacularly wealthy and naturally would lay claim to key political positions, the party has arguably been one of the most internally troubled political parties in the country’s history. It has also been used as a vehicle for accumulation and upward social mobility for a few. Politics and elections have been reduced to intra and inter-elite competition amongst rentier bourgeois groups. A singular example suffices here: in eight years, the country had five different Senate Presidents: Evan Enwerem (May–November 1999); Chuba Okadigbo (November 1999–August 2000); Pius Anyim (2000–2003); Adolphus Wabara (2003–2005); and Ken Nnamani (2005–2007), such rapid succession reflecting destructive in-fighting within the ruling party. The party was infamously described by Wole Soyinka as a ‘nest of killers’, given its penchant for resolving internal political disputes by violent means, a phenomenon that led to a spate of high-profile political assassinations, the murder of Bola Ige, a sitting Justice Minister, in December 2001, being emblematic.

In such a context, money was used routinely not only to corrupt the political and electoral process through vote buying and vote rigging, but also to attempt to buy justice. In this connection, veteran social crusader and activist, Gani Fawehinmi (2007), has spoken of the ‘brazen and bizarre corruption by highly placed public officers at the federal level and in the states caused by the electoral robbery in the April 2007 elections’. This practice violates Section 15 (5) of the 1999 Constitution, which criminalises corrupt practices and abuse of power. He gave two case studies: first, the massive bribing of election tribunal judges and the Court of Appeal of the Anambra South Senatorial Election Tribunal; and second, the Akwa Ibom State Governorship Election Tribunal during the 2003 elections which witnessed four of the five members of the Tribunal being compromised with large sums of money as bribes by the state governor, Obong Victor Attah. Politicians in Nigeria’s 4th Republic, in particular those in the ruling party, appear prepared to pay any amount for nomination forms when seeking state offices, which are considered a lucrative business and investment opportunity. Despite the fact that the PDP’s price tag on these forms in 2007 ranged from half a million naira (House of Assembly, the lowest) through to N1 million (House of Representatives), N2 million (Senate), N3 million (governorship) to N5 million (Presidency, the highest), there was a rush to obtain them.

Politicians who are constrained to sell houses and landed properties to fund election contests because of insufficient (or lack of) sponsorship by political ‘moneybags’, have as their first priority, once elected, the recouping of such ‘investment’. Indeed, one of the very first acts of MPs, as much at the centre as in the states, is the sharing of spoils, including massive furniture/car/constituency allowances. Some governors went as far as to offer incredible financial inducements in order to effectively buy the support of their state legislature. Thus each legislator in Plateau and Bayelsa States received N5 million and N100 million, respectively, for the execution of ‘constituency projects’ (Adesoji and Rotimi 2008). In addition, Joshua Dariye, the Plateau State governor between 1999 and 2007 (impeached in November 2006, but reinstated by the courts in April 2007), approved a loan of N4 million for each of the state legislators without as much as a repayment agreement (Adesoji and Rotimi 2008). In the same vein, Governor Diepriye Alamieyeseigha of Bayelsa State reportedly financed the election of most of the state legislators (Adesoji and Rotimi 2008, p. 166). Whilst these
practices were certainly not limited to these two states, it is instructive that both Dariye and Alamieyeseigha were arrested and tried in Britain on money laundering charges (although both jumped bail). Parallel to these practices were rapacious activities of political heads of ministries (ministers) and heads of government parastatals. As has been noted, the president and his deputy were apparently not immune from these practices.

The reckless use of the impeachment instrument for purposes of self-enrichment and illicit gain by state and federal legislators during this period was another way of cutting electoral campaign losses. The impeachment travails experienced by some governors (e.g. George Akume (Benue), Ayodele Fayose (Ekiti), Rasheed Ladoja (Oyo), Dariye (Plateau) and Chris Ngige (Anambra)) at the hands of their state legislators could, to varying degrees, be seen in this light. What these and related cases (including at the federal level) had in common was governance by impunity. This was expressed in several ways: deliberate disregard for the rule of law; selective obedience of court injunctions; disdain for the fundamental principles of democracy, including the constitutional provision (Section 137 of the 1999 Constitution) that only the courts could disqualify candidates from standing for elections; disdain for the law regulating impeachment, namely, that the House must not only form a quorum, it must have the required two-thirds to do so. Thus, the impeachment process of Fayose in Ekiti State included the purported suspension of the state chief judge and the panel he had set up to investigate the allegations levelled against the governor, and the appointment by the state legislature of a new chief judge and new panel (Abati 2006b). On a related register, Obasanjo and the ruling party chose to forgo the governorship election in Imo State rather than obey a court order to reinstate Ifeanyi Ararume as its gubernatorial candidate. The same fate befell Rotimi Amaechi’s bid to contest a parliamentary seat on the PDP ticket in Rivers State (Adesoji and Rotimi 2008, p. 169). Two major implications of the foregoing come into sharp focus. First, whilst politics is, almost by definition, a dirty game played nearly everywhere by people who masquerade as public-spirited, people-friendly politicians, entrenched poverty in Nigeria (largely occasioned by the fact that only a negligible minority has benefited from neoliberal policy) has comforted and reinforced governance by and for sundry monied political charlatans. Second, politics as an extremely profitable business venture is affordable only to political, state and other elites. Leading lights in virtually all the political parties (25 out of about 50 contested the 2007 polls) are either retired military officers who looted the state coffers whilst in power or civilians who did extensive business with the military in government.

For all its public rhetoric of war against corruption, as well as ‘an impressive array of structures, institutions and laws aimed at combating corruption (and) a successful track record of recovering stolen assets’ (to paraphrase Lillian Ekeanyanwu, an expert on international anti-corruption conventions, cited in Ebiri 2007), little success was recorded by the Obasanjo government. Lack of political will on the part of the government was derivative of elite pactung and the closing of ranks by elite groups. This is because the elites have too much to lose. Writing about the contemporary South African case, Vuuren (2008, p. 33) argued that ‘the rich and powerful are engaged in a relentless struggle to allow their crimes to go unpunished. When the political will to deal with such elite crimes falters, a culture of impunity takes hold’. The propensity for corruption was worsened not only by neoliberal policy but also by several other factors. First is the highly controversial immunity from arrest and prosecution enjoyed by sitting governors under Section 308 of the 1999 Constitution. The effect of this is that Nigeria’s presidents and state governors could commit crimes
and still hold on to power. This has prompted calls that the clause be scrapped with only the president enjoying ‘qualified immunity’, that is, immunity on civil litigations but not on criminal matters (Jason 2005, Adesoji and Rotimi 2008, p. 170, Ibrahim 2007). Second, there has hardly been any strong action to serve as an effective deterrent to rampant venality in power. Third, selective treatment of corruption cases dealt with by the EFCC (Economic and Financial Crimes Commission) is such that in eight years there was no record that any known political ally or associate of Obasanjo was probed, let alone tried in the wake of damaging allegations against them. Fourth, there is the problematic issue of targeting scapegoats by isolating individuals rather than bringing all parties involved to justice. Fifth, the political nature of the anti-corruption campaign exhibited itself in the ‘idea of prosecuting only officials that have fallen out of favour with the powers that be’ (Adesoji and Rotimi 2008, pp. 165, 169). Sixth, Obasanjo hardly led by example; he publicly donated ₦130 million to the ruling party in 1999 on his behalf and that of unidentified friends. It could be speculated that Babangida and other retired generals followed suit without any public disclosure whatsoever about the size of their monetary donations. This may well explain why the introduction of a ‘code of conduct’ encompassing no fewer than seven principles of public life (honesty, leadership, accountability, transparency, integrity, openness and objectivity) by the government, and which was signed by ministers, did not contribute dramatically to clean government. Shortly after the expiry of the Obasanjo government’s mandate, Femi Fani-Kayode and Babalola Aborishade, Aviation ministers at different times, were arraigned for their inability to account for approximately ₦19.5 billion of state funds.

**Political Parties and the Texture of Democratic and Electoral Politics**

In theory, political parties are premised on the concept of political inclusivity and anchored in political participation. In practice, however, parties are born mainly due to political exclusivity, that is to say, for purposes of wresting power and controlling the masses. There are likely to be few parties where politics and elections are structured by ideologies about the use to which power is put. On the contrary, where ideologies are lacking and political formations are bereft of identity, as in Nigeria, we are confronted with the efflorescence of several look-alike political parties, differentiated only by the fatness of the purse of their main sponsors and the unique mannerisms and idiosyncrasies of their leaders. Thus, during the 2007 election campaign very few of the 20 or so (male and female) presidential candidates led an issue-driven campaign. Apparently to avoid antagonising Obasanjo, the kingmaker-in-chief, the most notable refrain of their speeches was that they would ‘continue the reform programme of the present administration’. Hardly any of the many pertinent policy issues begging for lucid and clear-headed public debate were raised in any sustained manner by most of the presidential aspirants/candidates. These issues ranged from the calm nature of the oil economy because of its severe externalisation, to the type of state that could best serve Nigerians under globalisation, to economic, social and cultural rights of communities and individuals. Other issues included the fit between community-driven democracy that befitted the social anthropology and political sociology of ethno-nationalities and the individualist conception of neoliberal democracy imposed on the country; gendered democracy; citizen participation/popular alienation; material enablement and empowerment of ordinary people, etc.

What has been the nature of elections within the context of the political economy analysed above? There are at least two ways of responding to this question. The first is to
dismiss all the country’s elections, including the ones in 1999, 2003 and 2007, as virtually meaningless. The second response is to say that its poor record on elections notwithstanding, Nigeria has recorded some form of genuine electoral competition in the past and this could still take place in the future. The article opts to investigate the first explanation given the new heights of malfeasance electoral consultations attained during the period under review. However, given the well-known political sophistication of the Nigerian electorate since the first republic (Mackintosh 1966, p. 357), the second explanation cannot be lightly dismissed. This suggests that the electoral process is not beyond redemption. The most historic has been the 12 June 1993 presidential election that was generally judged to be free and fair (except by its military superintendents), even though it was not entirely free from fear. Two major factors have accounted for the nature and character of elections held so far in the 4th Republic. The first factor is that elections are often programmed to achieve pre-determined results. This was evident in 1999 when Obasanjo had to win and in 2007 when Yar’ Adua was appointed by Obasanjo to succeed him. The second factor is not unrelated to this: sitting governments and entrenched/ruling parties do not lose elections easily. In respect of Kenya’s 1992 elections under the entrenched Kenya African National Union (KANU) led by veteran president Arap Moi, Brown (2001, p. 730) avers that ‘there was no way that KANU would have allowed itself to lose, no matter. For Moi and his allies, too much was at stake: property, livelihood, even lives’. Obasanjo infamously declared during a campaign rally for candidate Yar’Adua that the 2007 elections were a ‘do-or-die’ affair.

It is no surprise that several commentators agreed that the 1999, 2003 and 2007 presidential and general elections were highly flawed. Whilst Obijiofor (2007) wrote that the elections were ‘a carefully contrived political burglary’, Fawehinmi (2007) described the 2007 elections as the ‘most controversial and dubious general elections ever held in the history of Nigeria’. According to the 50,000-strong Domestic Election Observation Group, formed by an array of the country’s CSOs, the 2007 elections, no less than the ones before it, were ‘programmed to fail’. The group cites the institutional and leadership incompetence of INEC (Independent National Electoral Commission) and government as the main reason for its stance. Election corruption and INEC incompetence tended to feed into each other and become mutually reinforcing. In the Ondo South Senatorial District, the PDP was declared the winner even though it did not field a candidate. The ruling party was also accused of violently masterminding the hijacking of ballot bags and papers in all the state’s three senatorial districts (Alabi 2007). In addition, perception about INEC’s lack of autonomy is boosted by its behaviour, actions and initiatives that pointed in the direction of a pro-government electoral agency. During the processes leading to the 2007 elections, the commission participated in litigation against opposition parties. This was in utter disregard of its role as a neutral umpire.

Arguably, the most serious electoral malfeasance occurred during the gubernatorial elections. This was true not only in 2003 (Piombo 2003, p. 5) but also in 1999 and in 2007. Given the amount of constitutional and empirical (or ‘factual’) power and resources available to state governments, most governors had the carriage of a semi-president. On the balance of evidence, it is perhaps fair to say that only a few of the state governors during the Obasanjo years should have had any business with the business of power and governance. More often than not, they were compromise or unwilling candidates imposed on the party and the electorate by senior/respected politicians (e.g. the role of Bola Ige in the election of Governor Bisi Akande in Osun
State), or, more commonly, by high-profile political ‘moneybags’. The latter theme is returned to below.

Perhaps what the Nigerian print media dubbed the ‘Alami’ saga (already partly analysed above) best captures the character of the crop of governors in the 4th Republic. The dramatic escape of Governor Alamieyesigha from the UK, disguised in female attire, and the subsequent recovery of assets worth N50 billion by the EFCC after his impeachment, constituted bad publicity for the governors as a group. The situation was worsened by the fact that at that time several of Alami’s colleagues were under investigation by the EFCC for alleged corrupt practices. These ranged from money laundering, siphoning of public funds overseas, illegal diversion of funds to inflation of project costs, high profile stealing and the illegal operation of foreign accounts. EFCC’s 2005 annual report submitted to the Senate in September 2006, as required by Section 37 of its Act, supposedly established cases of corruption against 15 of the 31 governors investigated. Only Governor Donald Duke of Cross River state was cleared. Whilst all those investigated, except Governor Bola Tinubu of Lagos State, were accused of siphoning local government funds, the ‘worst offender’ appeared to have been the Abia state governor, Orji Kalu. He was accused of embezzling about N35 billion with which he built his business empire, including Slok airlines, Slok Pharmaceuticals and a newspaper house (see Aziken 2006). In addition, in October 2006 Charles Soludo, Central Bank Governor, lamented that state governors were putting him under pressure to draw down and share the country’s foreign reserve. Whilst the governors claimed they wanted the money to eradicate poverty in their states, Soludo castigated them for not imbibing the values of prudent management or best practice in corporate governance (Ujah 2006).

Whilst Nigerians would believe any report of sleaze by their leaders and rulers, many of the state governors did little to endear themselves to their constituencies. They tended to use the controversial immunity clause in the constitution in a reckless, indiscriminate and disingenuous manner. Yet the 2005 EFCC report was anything but foolproof. At the demand of Obasanjo, its boss, Nuhu Ribadu, changed the storyline to read that – depending on the version read – only between three and nine governors (whose names were withheld) were allegedly charged with financial crimes. Informed reaction to the EFCC’s seeming vacillation has been mixed. Whilst veteran columnist Pini Jason (2006) preferred to see the EFCC as ‘an integral part of (Nigeria’s) national development’, one that should not be discredited, some others have raised important ethical and procedural issues, including influence peddling by state governors vis-à-vis the EFCC and conflict of interests (Aziken 2006). For example, it is worrying that rather than initiating its own independent investigation, the EFCC appears unduly reliant on petitions by members of the public.

**Obasanjo’s Political Agency**

Where the ruling party was ambivalent about the delivery of social dividends of democracy and state institutions such as the EFCC were not as sharp as they could be, they resorted to the agency of President Obasanjo. Now, the transmutation of the retired general from prison to palace was as sudden as it was miraculous. There should be no illusion about the fact that the major historical compromise between transnational capital and the country’s state/political elite, military-dominated at the time, which ensured Obasanjo’s election could not but have stated its conditions very clearly. Similarly, it is not unlikely that this elite pact informed general and
specific policy orientations of the Obasanjo government and protected and enhanced the interests of the power blocs involved in the arrangement (Madunagu 2006). In the process, the interests of other power blocs not directly involved in the political arrangement could not but have been secondary and tangential.

Obasanjo literally ‘strolled’ into the PDP, became its presidential candidate, got elected as the country’s president and was inaugurated on 29 May 1999. The same coalition of transnational capital and international/domestic political forces that served as undertakers for the demise of Bashorun MKO Abiola was desperate for a Yoruba president in order to compensate the Yoruba nation for the inexplicable annulment of the 12 June 1993 presidential election (Amuwo 2007). If this coalition did not know for sure ‘what’ they wanted, they knew exactly ‘who’ they wanted: a systems man (as Obasanjo had infamously described himself in 1985) who would not only be malleable, but who could also be counted upon to make Nigeria safe for globalised capital. By all accounts, Obasanjo did well for his external and domestic principals and benefactors, forcing through anti-nationalistic policies of privatisation and liberalisation of the economy, even against the wishes of the populace (his government did not tolerate dissent, not even within the ruling party). But he was not yet done with the Nigerian masses. On the eve of his departure from power, not only did he anoint and install Yar’Adua as his successor, he also insisted on a public show of commitment by the latter to his government’s market reforms. Obasanjo also gave Nigerians unwanted parting gifts in the form of significant rises in the price of oil (gasoline) and level of VAT.

In fairness to Obasanjo, his government inherited an unenviable political economy. On that basis, in 1999 he could have told Nigerians, in simple forthright terms and humility, that his government’s primary concern during the first four years would be the refurbishment of the nation’s physical and social infrastructure. He could have added that once a more or less solid infrastructural foundation had been laid for developmental democracy, he would devote his second four-year term to the provision of social and economic dividends of democracy. Apparently, because humility was not Obasanjo’s strongest point, neither he nor his policy ‘think tank’ raised these issues this way. Instead, the government opted to feed Nigerians a cocktail of promises on a lengthy list of priorities, chief amongst which was the fixing of the oil sector and the regular supply of electricity within the first two years. When this promise failed to materialise, government’s reaction was to blame unnamed political and social forces for sabotage and subterfuge. It was claimed that these were the same forces that had profited from the decrepit state of the country’s energy sector during military rule.

One explanation for what would eventually snowball into systematic incompetence of the government was that Obasanjo was ill-prepared for the massive challenges with which a post-military government had to contend. Lack of preparation was evident in poor strategic planning for the highest office of the land. Nor was the ruling party (the self-styled ‘largest party in Africa’) prepared for the onerous challenges posed by a legitimately impatient citizenry. However, Obasanjo was his own worst enemy. While in power he continued to exhibit his well-known contempt for robust public debate and critical scholarship. As a good general steeped in the martial art of unquestioning obedience and loyalty, Obasanjo’s ministers and advisers consisted mainly of politicians and professionals who were either too junior to take him on or too beholding to him to risk policy disagreements with him. Obasanjo seemed to have enjoyed this larger-than-life image of himself. Whilst inaugurating
his large and unwieldy special advisory team after his re-election in May 2003, he counselled the members not to be too timid to advise him, although he was not bound to accept their advice. Acutely self-opinionated and strong-willed, Obasanjo in power was the opposite of all he purportedly stood for outside of power between 1979 and 1999.

In the same vein, Obasanjo was too personally involved in political brinkmanship to call his loyalists and cronies involved in sundry political wheeling and dealing to order. Few played politics by the rules – certainly not ‘political godfathers’ in pursuit of revenge against their errant ‘political godsons’. This was an old phenomenon that went badly wrong during the Obasanjo presidency. Two significant cases, by virtue of their wild and widespread repercussions on the polity, merit attention. Anambra and Oyo States (both core states emanating from the old Eastern and Western Regions) were literally held hostage by political godfathers who went after their political godsons for ‘breach of contract’. What bound the two political godfathers, Chris Uba (Anambra) and Lamidi Adedibu (Oyo), together was not only a fat purse, but also high-level connections in the ruling party and in the seat of power. In addition, neither Uba nor Adedibu (now deceased) had the credentials to match their high visibility in politics. They and their kind were qualified to be no more than glorified political hangers-on, to the extent that their ‘education [was] as rustic as their moral bonafides’ (Ndibe, 2005). Thus, Uba successfully masterminded the abduction of the state governor, Chris Ngige, a surgeon, whilst Adedibu’s response to the refusal by his former political godson, Ladoja, an engineer and successful businessman, to reward him with regular financial returns, was no less despicable. Political and physical violence was unleashed on him and his supporters in a bid to force him to capitulate. When that failed, the State House of Assembly, whose political allegiance had already been divided between the two gladiators, was used to impeach Ladoja. Although the Supreme Court would later reinstate him, the point had already been made: politics, as analysed above, is a huge investment, with investors and financiers almost reserving the right to use all means at their disposal to redeem their investment.

There was no public recrimination either from the ruling party or from Obasanjo. On the contrary, Uba would later be elevated to the Board of Trustees (BOT) of the PDP. On his part, Adedibu was publicly lauded by the President as a force to be reckoned with in the politics of Ibadan and Oyo State. The lacklustre manner in which the President explained the abduction of Ngige as a ‘family’ or internal affair of the ruling party (he would proffer the same explanation after Uba and his supporters, with the apparent tacit approval of the Anambra State security apparatus, visited mayhem on the state, making it ungovernable) prompted Ndibe (2005) to comment that ‘the president, in one of the most shameless acts of his scandal-plagued presidency, browbeat the [ruling] party into mischaracterising the impunity as an innocuous domestic quarrel’.

**Conclusion**

This article has attempted to show that contemporary globalisation, in the form of the activities of transnational capital, has tended to shape and condition public policies in developing countries. This is especially so in those countries that have failed to formulate robustly nationalistic responses to globalised capital. National policies that do no more than replicate the major tenets and norms of a neoliberal political economy tend
to entrench a neoliberal democracy that is commodified and priced beyond the reach of the majority. Neoliberal democracy ends up being neither liberal nor democratic.

In view of the structural effects of globalisation on the Nigerian state, a reformist agenda (which is what a neoliberal policy amounts to) is essentially self-defeating. Unfortunately, much of the reaction of non-state actors and organisations is reformist, that is to say, overall strategy, even during heightened popular political struggles, has not been so much to disengage from the state as it is to seek compromise and collaboration with it. This is not wholly surprising because the country’s non-state sector was torn between a democratic and an anti-democratic political culture during the long years of oppressive military rule. This is particularly worrying insofar as ‘it is not only the behaviour of governments and state institutions that determine democracy’ (Minnie 2006, p. 9).

A people-centred political culture of election, democracy and development specific to and informed by, amongst others, tested ‘indigenous views of participation, legitimation and constitutional procedure’ (Van Binsbergen 1995, p. 28) of Nigeria’s multi ethno-nationality is a social necessity for the rehabilitation of politics and its attendant social concerns. A process for the long term, it will be enduring and sustainable only to the extent that the approach obeys more the logic of a bottom-up approach than that of a top-down approach. Two important steps need to be emphasised. First, Nigeria’s ethno-nationalities, with the Ogoni and others in the oil-rich Niger Delta region taking the lead, are increasingly becoming critical sites of manifest and latent democratic struggle. Portrayed as ‘true communities of suffering and resistance’ by the Nigerian literary icon, Biodun Jeyifo (in Na’ Allah, 1998), these ethno-nationalities, by contextualising and providing an ideological backbone to occasional outbursts of political populism and its legitimate demands, may yet become the spearhead of the popular movement for the true liberation of the country.

Second, since the Nigerian state is the ultimate institution responsible for deciding and implementing policy, the objective of the first leg of the political struggle is the construction of a new state institutional and structural framework in relation to globalisation. This will entail recovering and reasserting the relative autonomy of the Nigerian state vis-à-vis transnational capital, the aim being to re-orient the economy and assist the state to identify new priorities and articulate new agenda for social progress (Lumumba-Kasongo 1998, p. 140). The second leg of the political struggle is the domestic equation, which will tackle the question of social justice and equity in the political matrix of elections, democracy and development. The aim of the struggle at this level will be to make the Nigerian state and government become, in the words of Dele Olojede, ‘enablers of citizens, the makers and enforcers of the law, the guarantors of justice and equality’ (cited in Smith 2007, p. 59). Popular struggles are likely to achieve their social objectives more rapidly if they are anchored in a strategic alliance between critical non-state actors/organisations and committed fractions/factions of the state/political elite, including domestic capital. Heeding Samir Amin’s (2006) call for progressives to ‘bite the bullet and recognise that they can only transform the world if they seek political power’ may further accelerate the process.

Every piece of historical evidence points to the fact that no socio-economic formation has ever developed with a democracy that is at once wholly state-driven and donor-imposed. To succeed, democracy, like development, cannot afford to be out of line with the totality of the culture and the concrete living experiences of the people.
Democracy, like development, should be a function of what the people do and want, not a function of models and paradigms imposed on them.

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Acknowledgements
The author gratefully acknowledges the useful comments of three anonymous reviewers of ROAPE on an earlier draft of this article.

Endnote
1. Patterned after the United States Presidential Libraries project pioneered by President Franklin D. Roosevelt, the Olusegun Obasanjo Presidential Library (& Museum) (OOPL) was launched in May 2005 (OOPL, see http://www.ooplib.org [Accessed 19 January 2009]). However, the OOPL was a controversial project. Whilst in the US funds for presidential libraries are sourced from the private sector and private foundations, the OOPL attracted funding from government and an assorted array of actual and potential government contractors: state governments; federal para-statsals (including the ailing Nigerian Ports Authority which gave a massive US$1 million); ‘moneybag’ politicians and monarchs; captains of the private sector; and oil majors (which donated $20 million, about N2 billion). For all appearances, Obasanjo merely exploited the power of incumbency of his government. It is worth mentioning that the launch raked in N6 billion of the estimated N7 billion cost of the project (Gyamfi 2005, Nigerian Muse 2005, Olaniyonu 2005).

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Echoes of Divergence Within: The Politics and Politicisation of Nigeria’s Debt Relief

Agaptus Nwozor

Nigeria has been weighed down over the years by a huge debt overhang and has had to contend with several reform programmes prescribed by the multilateral institutions of the IMF and the World Bank. Ordinary people, especially women, children and the under-privileged, have been the worst victims of the fallout from these reforms. Recently, Nigeria was granted debt relief to the tune of US$18 billion by the Paris Club of creditors, with the proviso that the country would pay a total of US$12 billion of its remaining debt, in two equal instalments, within a specified period to the Club. Nigeria has since met this obligation and exited from the Paris Club debt trap. However, debt relief, which ought to have elicited public gratitude, instead unleashed a wave of cynicism. Opposition to the relief package emanated from popular perception of the Paris Club members as institutional loan sharks and authors of the gross contradictions in the Nigerian economy. This article distils these contradictory opinions. It argues that the optimism which the Paris Club of creditors expressed in their press release, and which the Nigerian Government holds as a sacred economic truth, namely that the debt trade-off would free resources for the rapid development of Nigeria, was hopeful at best and manipulative at worst.

Introduction

Until recently, a debt overhang of US$35.94 billion dominated Nigeria’s economy. The Debt Management Office of Nigeria estimated that the country had paid out over US$35 billion as cumulative debt service payments on its original loans of US$13.5 billion (Business Day 2004, p. 1, Falana 2005). Added to this were hard-to-quantify costs of imposed reforms and adjustment programmes on the country and its people.

On the 29 June 2005, the Paris Club of creditors, which accounts for US$30.8 billion representing 85.82 per cent of Nigeria’s debt, granted the country debt relief to the tune of US$18 billion. However, it demanded that Nigeria should pay US$12 billion, in two equal instalments at designated times, to give impetus to this debt relief deal. In the event, Nigeria paid off this debt in three (rather than two) tranches, but within the time frame specified by the Paris Club.

The Nigerian Government has been wallowing in self-adulation, describing the debt relief deal as a resounding approval of its economic reform programmes and the
impetus needed to trigger the forces of economic growth and development. For one
aspect, the government would use the resources freed from suspended debt service
obligations to provide a wide array of infrastructure necessary for economic growth.
For another, Nigeria would regain its sovereignty, which had been surrendered to
the international financial institutions (IFIs), especially the IMF and the World Bank,
during the country’s descent into economic purgatory.

Most Nigerians do not share this optimism. They see the debt relief package as an
imperialist rip-off, designed to strip the country of the accumulated US$24.37 billion
in its external reserves as at June 2005 (CBN Economic Report 2005, p. 6). They consider
the debt deal more of a relief to the creditors than to Nigeria as the former needed the
money to shore up their dwindling resources occasioned by high oil costs in the inter-
national market. They also see the deal as a hastily packaged strategy by the Paris Club
to extract a reasonable chunk of its outstanding debt before the probable disintegration

Is there any merit in these diametrically opposed positions? Within the context of an
interdependent global economy, Nigeria’s economy is essentially enclave and periph-
eral, due to its stunted productive base, monocultural economy, specialisation in the
production of primary commodities and incapacity to compete in the global market
place. It is entirely dependent on crude oil, which accounts for 96.3 per cent of total
export proceeds (CBN Annual Reports 2004, p. 81). Classically, peripheral or enclave
economies are non-industrialised economies whose major contributions to global
trade are restricted to agricultural goods and natural resources. Essentially, these
products are sold, either completely unprocessed or only partly processed, to industri-
alised countries of Europe and America and, in recent times, newly industrialising
countries (NICs) of Asia, for further processing and refining.

Ordinarily, the enormous endowments of Nigeria – large population, vast oil reserves
and a wide array of solid minerals – are the right ingredients for economic growth and
development; unfortunately, these have neither impacted positively on, nor led to
the transformation of, the economy. Indeed, the Nigerian economy is haunted by
structural defects (undiversified, monolithic and monocultural production base), insti-
tutional distortions (weak institutional capacity for economic policy management and
coordination among the tiers of government, debt overhang, macro-economic policy
inconsistency, instability and policy reversals, public sector dominance in production
and consumption and corruption) and inadequate infrastructure base (constant power
outages occasioned by inadequate generation of electricity, bad roads, moribund rail
system and poor healthcare delivery system) (Donli 2004, p. 13, CBN Briefs 2004–
2005, p. 55). The contradictions in the Nigerian economy are due less to the manner
of its incorporation into the global capitalist economy than to the poverty of ideas of
its leadership and other members of the elite. Thus, even with US$43.69 billion in its
external reserves (as at April 2007) following the liquidation of both its Paris Club
and London Club debts totalling over US$15 billion, the country’s currency remains
unstable and its economy acutely dependent. That the Nigerian economy is a periph-
eral economy is not in doubt; what is debatable is whether the sovereignty reclaimed
from the international financial institutions (IFIs) as a result of debt freedom, and the
good run of oil prices in the international market, could be effectively utilised to facili-
tate its exit from peripheralism.

Is the optimism that debt relief alone can lead to economic development justified?
Taken together, the quality of leadership, nature of Nigeria’s economy, the reality of
its position within the global economic order and the complex interplay of capitalist forces of subordination and super-ordination, do not point to any likelihood of economic growth and development purely because of debt relief granted by the Paris Club. This article highlights how elite politics, in an attempt to perpetuate the ruling elite in power, generated self-interested support for, while encouraging the politicisation of, the Paris Club debt relief deal.

Walking a Tightrope: Debt Entrapment and Efforts at Debt Alleviation

Between 1973 and 1976, Nigeria was a viable economy: from ₦1016 million in 1973, its earnings rose to a fabulous ₦5365.20 million in 1976 (CBN Statistical Bulletin 2002, pp. 203–205). During this period, Nigeria’s level of indebtedness did not exceed ₦500 million, with 78.5 per cent of this amount consisting of soft loans on concessional terms, while debt service obligations were well within the country’s means. A change occurred in 1977 when Nigeria contracted its first jumbo loan of ₦600 million (US$1 billion) from the International Capital Market (ICM). The terms were 1 per cent above the London Inter-Bank Offered Rate (LIBOR), with repayments spread over eight years, including a period of grace of three years. In 1978, Nigeria contracted its second Euro-dollar market loan, this time for a sum of ₦734 million (US$1.145 million). The conditions were similar to those for the first loan, except that interest was 1 per cent for the first four years and $1^{7/8}$ per cent for the remaining four years (Aluko-Olokun 1989, pp. 198–199).

The enormous earnings from oil neither empowered the people nor spawned the necessary conditions for economic development. Rather, it created and sustained sets of parasitic, rent-seeking elites whose penchant for primitive accumulation asphyxiated productive enterprises and promoted mindless importation of what had hitherto been produced in Nigeria. Schatz captures it thus:

> For the most vigorous, capable, resourceful, well-connected and lucky entrepreneurs and potential entrepreneurs (including politicians, civil servants, army officers, etc.) productive economic activities, the creating of real income and wealth, has faded in appeal. Access to and manipulation of the government spending process has become the golden gateway to fortune. (Quoted in Ikpeze et al. 2004)

Thus, the jumbo loans were contracted to perform two functions: to bridge the gap in earning that was necessitated by a slowdown in the price of oil in the international market; and to maintain the ostentatious lifestyle of the elites, funded through their easy access to state resources. By 1981, Nigeria’s imports averaged some ₦1.2 billion a month, a figure that was maintained into the first quarter of 1982. Not surprisingly, the collapse of the price of oil in 1982 led to a serious balance of payments crisis.

Even though visionless leadership, outright looting, corruption, policy reversals and structural rigidities created Nigeria’s debt, the effective entrapment of Nigeria in the cesspool of debt peonage was achieved via the imposition of a structural adjustment programme (SAP). The conditions associated with SAP created certain contradictions that made it impossible to meet debt obligations; and, with new loans contracted for the rescheduling of old ones, entrapment was consolidated.
The role of the IMF in assisting countries with debt problems was not a new one at the time Nigeria’s debt crisis erupted. For countries experiencing a debt crisis and desirous of debt rescheduling and financing, there was, as the Washington Consensus held, no alternative to SAP. The most destructive aspect of SAP on the Nigerian economy was the Second Tier Foreign Exchange Market (SFEM), which deepened the country’s debt problem, effectively destabilising the economy and intensifying its dependence on the vagaries of global markets and the fortunes of western creditor economies. The Nigerian Naira went into freefall in SFEM, so that instead of the 60 per cent devaluation originally planned, it was devalued by up to 500 per cent. Notably, the effect of this unprecedented devaluation included high costs of imported inputs and, consequently, prices of finished products in circumstances of declining real incomes and nominal money stock, and a bloated foreign debt which rose from N41452.4 million in 1986 to N633,144.4 million in 1993 (Osagie 1989, p. 227, CBN Statistical Bulletin 2002, p. 226).

A range of debt management strategies, notably debt buy-back and debt conversion, was adopted by Nigeria between 1988 and 1993 to address the debt question. Debt buyback is a debt reduction strategy of the London Club, under which part of the debt owed to the Club would be converted into a 30-year bond, with a 10-year moratorium on interest payment and the reduction of the rate of interest from 9 per cent to 3 per cent. It also included the option to buy back the debt at a given rate agreed by both parties. Nigeriatoday.com (2000) quotes the Nigerian Senate Committee as eulogising debt buy-back schemes as a veritable instrument of debt reduction and endorsing the debt buy-backs of between 1988 and 1993, which, it asserted, reduced Nigeria’s debt by US$5 billion. On the other hand, debt-equity conversion aspires to solve the debt problems of developing countries by converting external debt into domestic debt or equity. Such debt conversion takes two main forms, which the World Bank identifies as:

\[\text{The exchange of foreign-currency debt for domestic-currency debt and the exchange of foreign-currency debt for local currency that can be used for capital investment or for the purchase of equity shares in domestic companies. In both cases, the foreign investor uses foreign-currency to purchase a country’s debt from a foreign creditor (typically, a commercial bank) at a discount. He then negotiates with the agency responsible for managing the conversion scheme in the debtor country, usually the central bank, to exchange the debt for local currency or local debt. (Cited in Falegan 1992, p. 188)}\]

In the first year of Nigeria’s debt conversion programme it cancelled US$40 million. As at 1999 debts cancelled through debt conversion stood at US$1341.21 million (CBN Statistical Bulletin 2002, p. 230). All these efforts did not lead to a reduction in the volume of Nigeria’s debt. In fact, the debt kept growing, something which Toyo (2002, pp. 523–524) sees as a reflection of the general crisis of capitalism.

**Economic Diplomacy, Economic Reforms and Debt Relief**

In 1999 when Nigeria returned to civil rule, the macro-economic contradictions, which characterised the economy and threatened its continued survival, were legion. The economic diplomacy of the civilian government was, in the main, geared towards attracting international attention to rescue Nigeria from the distressing condition of its economic misfortune (Ekekwe 2004, p. 20). In laying its economic policy thrust,
the new government under President Olusegun Obasanjo appreciated the depth of the
decay and acknowledged that:

... it inherited an economy with the following characteristics: declining capacity utilisation in
the real sector, poor performance of major infrastructural facilities, large budget deficit, rising
level of unemployment and inflation. In addition, the economy had grave problems of import
dependence, reliance on a single commodity (oil), weak industrial base, low level of agricul-
tural production, a weak private sector, high external debt overhang, inefficient public utili-
ties, low quality social services and unacceptable rate of unemployment. (Federal Ministry
of Information, Nigeria Returns to Democracy 2000, p. 128)

As part of his cardinal strategy to attract worldwide interest in Nigeria, President
Obasanjo travelled extensively, particularly in the industrialised West, pleading for
economic cooperation and assistance (especially in the area of debt forgiveness),
foreign direct investment (FDI) and the repatriation of Nigeria’s common patrimony,
which had been looted by its former leaders and stashed away in foreign (mostly
Western) banks. According to Sonowo (2003, p. 50), at the last count, President
Obasanjo had made over 180 foreign trips in four years. But these trips did not yield
any dividend. Obasanjo himself acknowledged this in an interview with William
Wallis of the Financial Times: ‘in three years, I went round the world and I didn’t get
anything. From April 1999 I went round the countries in Europe, twice over; I went
to Japan, to America, to Canada and I got good words ... no action at all’ (Wallis 2002).

The lack of success in debt reprieve pleas by the Nigerian Government led to the
implementation of adjustment programmes, initially haphazardly, but in a more
coordinated manner since 2003. Indeed, Obasanjo’s economic diplomacy is predicated
on the policy prescriptions of the IMF. Rice (2000) reports that, as G77 Chairman,
President Obasanjo ‘ruled out a joint decision by poor countries to suspend debt repay-
ment, saying that it would interfere with aid transfers that some nations depend upon
for part of their domestic budgets’. The implication of this was that Obasanjo did not
contemplate a radical solution to the debt burden of Nigeria. Indeed, he preached sub-
servience to the wishes of international financial institutions (IFIs) as a strategy for
obtaining debt relief. According to Nigeriafirst (2003), in 2002, Nigeria offered to buy
back $2 billion worth of its commercial Brady debt in an effort to restructure its unsus-
tainable debt burden and improve relations with the IMF. Shortly before the Paris Club
debt relief, Obasanjo announced in different fora that he was committed to using the
excess accruals from the oil boom to settle the country’s debts.

This subservience manifested itself in the adoption of a fully-fledged IMF adjustment
programme in 2003 under the pretence that the country itself developed the adjustment
framework, called the National Economic Empowerment and Development Strategy
(NEEDS). What could be original about the repackaging of the salient traditional
prescriptions of SAP? NEEDS is powered by the neo-liberal theoretical position,
which is essentially the bedrock of IMF prescriptions, and encapsulates all the obnox-
iuous provisions of SAP. The key elements in the NEEDS reform include: privatisation
of state-owned enterprises; liberalisation of key sectors of the economy; restructuring
of the public service; review of government budgeting and taxation laws; governance
and institution strengthening; debt management; service delivery; due process and

Experience with SAP has demonstrated the ineffectiveness of this theoretical position in
positively transforming Third World economies. Amidst popular opposition to the
economic reforms, the IMF, through its Managing Director, Mr Rodrigo de Rato, warned that only the genuine, transparent and vigorous pursuit of market-driven reforms in Nigeria could make the IMF put any relief mechanism in place (Vanguard 2004, p. 1).

Turning again to the Paris Club, its announcement on the 29 June 2005 that it was ready to consider a comprehensive debt relief deal for Nigeria was unprecedented. The debt relief package granted to Nigeria totalled US$18 billion, representing approximately 60 per cent of the debt owed to the member countries of the Club. Approximately US$30.85 billion of a total national debt burden of US$35.94 billion was owed to the members of the 19-nation Paris Club (CBN Annual Report 2004, p. 143). According to the debt deal, the country was expected to pay the balance of 40 per cent or US$12 billion, starting with a US$6 billion payment of arrears in September 2005, and the remaining US$6 billion through debt buy-back at market value (Ibe et al. 2005, p. 1). The debt relief was based on the ‘Naples Terms’, which specify the equivalent of a 67 per cent reduction in the face value of a country’s debt and are applied to the debts of the world’s poorest nations. The UK Chancellor of the Exchequer, Gordon Brown, commented that the debt relief granted to Nigeria, combined with the debt buy-back, would ‘mean there is 100 per cent debt relief for Nigeria possibly over the next six months’ (BBC News World Edition 2005).

The debt relief breakthrough has been attributed to the economic reforms embarked upon by the Obasanjo regime since 2003, and the administration’s demonstrated willingness to take advantage of the exceptional revenue accruing to the country from the favourable international price of crude oil, to finance an exit from the country’s Paris Club debt obligations (BBC News World Edition 2005). As with SAP, ordinary people were antagonistic to NEEDS reform, whose key elements, particularly the deregulation of the downstream sector of the oil industry and privatisation, were anti-poor and pro-rich. Between 2003, when the reform was officially announced, and 2007, when the tenure of Obasanjo’s government terminated, the prices of refined petroleum products were adjusted upwards ten times, raising the price of premium motor spirit (PMS) from ₦40 to ₦75 per litre. These incessant increments, which the government claimed was in the spirit of market forces, triggered high inflationary pressures that led to riots, protests and nationwide strikes.

Nigeria exited Paris Club debt peonage on 21 April 2006 after paying the third and final tranche of US$4.519 billion. It had effected the payment of the first tranche of US$6.243 billion in October 2005 and the second, some US$1.331 billion, in December of the same year. According to a report jointly prepared by Nigeria’s Debt Management Office (DMO), the Ministry of Finance and the Accountant-General, ‘the money for the repayment of the US$12.2 billion to the Paris Club was sourced from the excess crude Account’ (Economic Confidential 2007). (The excess crude Account is an account kept by government for the payment of extra money over and above projected oil earnings for the fiscal year. Money for the excess crude Account is normally withdrawn from the external reserves.) However, there are billions of dollars illegally stashed away in Western countries by former Nigerian leaders. Although there is no agreement among government agencies about the exact amount siphoned from the state treasury through corruption, anecdotal estimates put it at hundreds of billions of dollars. According to the Nigerian Institute of Management (NIM), Nigerian leaders have, since independence, stolen an estimated US$480 billion from the treasury (Daily Independent 10 November 2006, p. 1). It is noteworthy that none of the funds thought to have been stolen by Nigerian leaders and lodged in developed countries for ‘safe keeping’ were factored into the debt relief deal.
The policy stance of the western countries and IFIs on anti-corruption has been demonstrably incongruent with their actions. The IFIs and the Paris Club were silent on the possible trade-off of illegitimate deposits by former Nigerian leaders in western banks. Earlier attempts by Nigeria to recover these funds were greeted with nonchalance and reluctance. To take one example, despite the existence of billions of dollars of looted money found in Swiss banks, the assistance received from the Swiss Government can, at best, be described as tokenism. Thus apart from deposits traced to the Abacha family, some US$1066.8 million of which has been returned to Nigeria’s Federal Ministry of Finance in two instalments in late 2005 and early 2006, no mention has been made of funds linked to other high profile looters of the national treasury (Daily Independent 16 February 2007, pp. 1-A2).

The central concern of the Paris Club was to recover its debt from the Nigerian treasury. If moral issues (that the bulk of the loans that translated into Nigeria’s debt was contracted by illegitimate and undemocratic governments; that a major chunk of the loans did not get to Nigeria for the purposes they were contracted; and that Nigeria has paid back the loans several times over) had been considered by the Paris Club, it would have requested its members to take stock of, and declare the extent of looted funds in their countries, with a view to using them to offset Nigeria’s debt to the Club. But the Paris Club did not undertake such actions. Rather, it mounted pressure on the country to offset its debt with present earnings.

The Politics Within: Politicising Debt Relief

The Paris Club debt relief was greeted with a combination of applause and cynicism. Obasanjo supporters saw the debt relief package as unprecedented and a major achievement of his administration, notably his personal shuttle diplomacy in search of debt relief which had taken him to the major capitals of the industrialised world. To this group, and Obasanjo himself, the decision of the creditors to wipe out most of Nigeria’s debt was a sign of confidence in his government’s economic reform programmes and its fight against corruption and mismanagement of the economy (Obasanjo 2005, Ribadu 2005). According to this view, the debt relief package was the single most important ‘democracy dividend’ of the Obasanjo years. It is also a perspective which contends that debt relief has signalled the commencement of the process of reclaiming the politico-economic independence of the country, which was usurped by the multilateral institutions of the IMF and the World Bank following the exacerbation of the country’s balance of payment crisis as long ago as the 1980s.

Indeed, since the active intervention of the multilateral institutions in Nigeria’s economy in the wake of its debt problems, the country’s sovereignty has been compromised, as successive governments could not take any major economic, political and social decisions without referring to these institutions. The erosion of an indebted country’s sovereignty is usually demonstrated through the introduction of IMF-sponsored reforms and the insistence of the multilateral institutions that they be implemented religiously, irrespective of whether they frequently conflict with the national interest. According to the Finance Minister who introduced SAP in Nigeria, ‘the question is not whether or not Nigeria wanted to reach agreement with the Fund, but whether it could afford not to do so’ (Ikpeze et al. 2004). An unsustainably indebted country is a caged country.

Therefore, the freedom which debt relief offers is enormous. Nigeria would exploit this newfound independence to chart new economic models capable of unleashing the
forces germane to economic growth, and the resources thereby released to fund economic development. The Paris Club sanctimoniously avers that the debt relief represented an important contribution to Nigeria’s fight against poverty and quest for economic development.

In contrast, leftwing thinkers dismissed the whole debt relief package as evidence of the continuing rapaciousness of capitalism in its quest to extend its frontiers. They contend that the wording of the press release announcing the debt relief is instructive. The press release had said, inter alia:

> the representatives of the Paris Club creditor countries met in Paris on 29 June 2005 and expressed their readiness, consistent with their national laws and regulations, to enter into negotiations with the Nigerian authorities in the months to come on a comprehensive debt treatment . . . (Club de Paris 2005)

The Paris Club debt relief is therefore not a testament to debt freedom, but of recolonisation, as the clauses in the negotiations, which the Club entered into with Nigeria, ensured consistency with their national laws and regulations which, in the extant tradition of capitalism, would strive to maintain the unequal and unjust global economic order.

The nature of the debt relief deal, which entailed an immediate payment of US$6 billion in debt arrears and another US$6 billion through debt buy-back, had raised the question as to whether the package represented relief in its original meaning of ‘removal or lightening of something oppressive, painful or distressing’, or a capitalist rip-off. Thus both Aina (2005) and Chinweizu (2005) contend that the debt relief arrangement in question was nothing but imperialist robbery and a scam calculated to expropriate Nigeria’s hard earned accumulated reserves in one go. Professor Jeffrey Sachs, Special Adviser to the UN Secretary-General on Millennium Development Goals, called for a total debt write-off for Nigeria and argued that the extraction of US$12 billion from a country with an annual budget of between US$3 and US$4 billion, millions of whose children are dying through hunger and diseases, is callous (Ogolor and Atakpu 2005, Eluemunor 2005, p. B1)

Both arguments have some merit. The optimism of the neoclassical apologists for capitalism hinges on the fact that the money saved from debt service obligations would be channelled, as President Obasanjo said, into education, health care delivery, agriculture and food security and infrastructure such as roads, electricity, water supply and transportation.

Nigeria’s debt relief deal, with its inequitable and contradictory apportionment of gains and losses, threw open new vistas of class antagonism and elite solidarity. At the same time, reform created a scenario of dwindling purchasing power for the masses and economic prosperity for the elites. The deregulation component of the reform policy broke the monopoly of the state-owned Nigeria National Petroleum Corporation (NNPC) in the importation of refined petroleum products and bestowed shared access on the elites. As Ochonu (2007) has noted: ‘through politically strategic awards of oil prospecting blocs and contracts for the importation of refined petroleum, [President] Obasanjo has transformed a strategic national ministry into a preeminent organ of personal political power’. With this power, the state, which has remained the single most important source of wealth, took care of the elites by ensuring that the four
refineries in Nigeria were inadequately maintained and therefore incapable of producing enough refined products to satisfy domestic demand.

The same pattern of rent seeking is evident in the privatisation of state-owned enterprises (SOEs). The manner of ownership transfer, and the make-up of beneficiaries, of these SOEs led Ochonu (2007) to conclude that the sole legacy of Obasanjo's government was the transfer of national wealth and assets into the hands of a few, well-connected actors in the Nigerian corporate scene. Nowhere was this more glaring than in the formation of a company called Transnational Corporation (Transcorp) through which leading personalities in both the private sector and in government, including President Obasanjo, acquired potentially profitable SOEs. Through Transcorp, oil prospecting blocs and SOEs in the telecommunications and hospitality sectors were appropriated by these elites. This pattern of appropriation was replicated in all the sectors and enterprises privatised. It was in a bid to continue to protect and advance these elite economic interests that a coalition of private sector operators mounted a massive, but ultimately unsuccessful, campaign for the constitution to be changed to allow Obasanjo to contest the presidency for an unprecedented third term.

Meanwhile, the scepticism of the masses over the presumed gains of debt relief is founded in the lack of visible progress in social welfare during the eight years of the Obasanjo presidency. Nigeria signed 28 credits agreements worth a total of US$2.3 billion with the World Bank to fund 24 projects in education, health and poverty reduction. Neither this sum, nor the ₦15.83 trillion spent by the three tiers of government (federal, state and local), made any discernible impact on the lives of Nigerians, whose socio-economic indicators have remained static and, in some cases, actually regressed (Daily Independent, 26 April 2007 and 1 May 2007, p. 1).

The expectation that Paris Club debt relief would act as a trigger for investment in development is both unrealistic and not founded on a careful reading of recent history. However, it is an expectation rooted, first, in the favourable price of oil on the global market which averaged US$49.99 a barrel in the first half of 2005; and, second, in increased crude oil production which averaged 2.43 million barrels per day or 440.72 million barrels in the first six months of 2005 (CBN Economic Report 2005, p. 18). Nonetheless, Nigeria's extreme dependence on oil income leaves it inordinately susceptible to the vagaries of the world market in crude oil. For example, would the touted savings from the Paris Club debt relief deal be enough to make up for a major fall in the price of oil? In addition, just as importantly, would any of such savings be put directly to the service of socio-economic development in a context of limited capital availability?

There appears to be support for the need to temper the seeming optimism surrounding expectations of the Paris Club debt relief deal with caution. Was debt relief a reward for the strict implementation of the NEEDS reform, as widely portrayed, or was it a hasty damage-limitation exercise in view of the US National Intelligence Council Report of January 2005 (National Intelligence Council 2005), which predicted the disintegration of Nigeria within 15 years? Certainly, the unprecedented volume of debt relief, and the reversal of the age-old insistence, by the IMF, that Nigeria was unworthy of debt relief, confer a fire sale quality to the proceedings. Furthermore, why was debt relief granted at a time when there was a huge build-up in the country's external reserves? In addition, why was this done under conditions of unseemly haste, with the reclassifying of Nigeria as an 'IDA-only' country (a prerequisite for debt relief), the signing of an agreement, and the announcement of a completed deal all taking
place during the single month of June in 2005? Would it be too cynical to suggest that
the Paris Club had used its knowledge of the US National Intelligence Council Report
prediction, and insight into the Nigerian leadership’s determination to pursue debt
relief at all costs, to increase chances of an agreement over the US$18 billion deal?

There is a long tradition of wastefulness, and a penchant for unproductive disburse-
ment, of Nigeria’s national wealth. Since the first oil boom in 1973, successive Nigerian
leaders have frittered away oil revenue that has accrued to the country. Retd. General
Yakubu Gowon, who presided over the first oil boom of the 1970s, is remembered for
reportedly claiming that Nigeria’s problem was not how to secure foreign trade earnings
but how to come up with plans for spending its burgeoning foreign reserves sufficiently
quickly. For his part, Ex-President Shehu Shagari had little of lasting value to show for
the additional revenue that accrued to the national coffers when he was president,
although his rule is associated with the emergence of a particularly rapacious band of
parasitic nouveaux riches. During Retd. General Ibrahim Babangida’s era as Head of
State, the oil windfall of more than US$12 billion earned from increased crude prices
caused by the outbreak of the first Gulf War literally disappeared, and has still not
been located or recovered. Thus with Nigeria’s external reserve hitting an unprece-
dented US$24.37 billion as at June 2005, it is hardly surprising that the Paris Club
would try to recover some of its outstanding debt; it had nothing to lose and all to gain.

The establishment of good governance institutions and anti-corruption bodies has
been identified as contributing to the accumulation of the impressive external reserves
considered necessary for Paris Club debt forgiveness. Yet, prior to 1999, when the gov-
ernment of President Obasanjo assumed power, anti-corruption institutions had
existed. What was lacking was the political will to give credence to them. However,
through the Independent Corrupt Practices and other related Offences Commission
(ICPC) law of 2000 and the Economic and Financial Crimes Commission (EFCC)
law of 2002, the country witnessed the prosecution of high-profile corrupt cases invol-
vving the former Inspector General of the Police, Mr Tafa Balogun, former Senate Pre-
sident, Chief Adolphus Wabara, former Minister of Education, Professor Fabian Osuji,
and former Governor of Bayelsa State, Mr Diepreye Alamieyeseigha, amongst others.

However, in spite the efforts of the government at curbing corruption, the EFCC avers
that ‘political office holders have looted US$100 billion from the public coffers since
the advent the fourth republic in 1999’ (Daily Independent 18 September 2006, pp. 1-
A2). This is because of the double standards that have characterised pursuit of the
war against corruption, and which have led several analysts to conclude that the
execution of the war was selective and, in the hands of the presidency, a weapon to
bring the opposition into submission. Thus, there have been several high profile
cases of corrupt practices and abuse of office, which relevant government agencies
have refused to investigate, and cases where investigations have actually taken
place but reports of findings have not been made public.

For example, the government has largely ignored the Okigbo Report. The product of
investigations into how the Gulf War windfall was spent by the military adminis-
tration of Retd. General Babangida, the Report seriously indicts the latter. However,
Babangida is alleged to have single-handedly sponsored Obasanjo’s ascension to the
presidency in 1999. Similarly, the government rejected a report from the EFCC indict-
ing President Obasanjo’s alter ego, Chief Olabode George, of corrupt practices while
serving as chairman of the Nigerian Ports Authority (NPA). Again, the Petroleum
Trust Development Fund (PTDF) saga, which pitched President Obasanjo against
his deputy, Vice President Atiku Abubakar, exposed the anti-corruption war as an empty façade. Embarrassing as the PTDF scandal was, the indictment of the protagonists by the Senate was merely symbolic, and depicted elite solidarity based on [shared] material interests. The PTDF saga was therefore quintessential intra-elite rivalry for economic ascendancy.

A new dimension was added to the politicisation of Paris Club debt relief by the unsuccessful campaign for the extension of President Obasanjo’s term of office. Political and business elites were frontline campaigners for the extension of the tenure of President Obasanjo, contrary to the provisions of Nigeria’s constitution. The kernel of their argument was continuity: to enable him to conclude the NEEDS reform he had started, and from which Nigeria had benefited in the shape of debt relief from the Paris Club. Damian Ozurumba, a member of Nigeria’s House of Representatives and frontline third term campaigner, argued in an interview that ‘a major bane of the Nigerian project has been the unfortunate practice of new leaders coming up with ostensibly new ideas … jettisoning all on-going policies’, and concluded that Obasanjo should be allowed to continue (Awom 2006, p. B3).

The propelling force for such elite solidarity is self-interest. Some of the campaigners were either beneficiaries of state-dispensed prebends or were well positioned at the commanding heights of Nigeria’s economy, and feared that a change of guard, politically, would dislodge them from their privileged position and reverse whatever economic gains they had made. Others perceived the campaign as a veritable vehicle for ascending to the status of unproductive rent-seeking elites. Whatever the motive, the intention was to overturn the Nigerian constitution’s stipulation that a president can serve no more than two four-year terms in office, and thereby frustrate ongoing attempts to entrench a democratic culture in the country. The groundswell of opposition against the extension of President Obasanjo’s tenure by the masses and civil society organisations undermined his international support base and led to the defeat of the motion by a Senate vote.

Nonetheless, President Obasanjo had expected his third term bid to receive the unalloyed support of both western countries and the international financial institutions (IFIs). His mantra for continuity (consolidation of NEEDS reforms and deepening of the anti-corruption war), as appealing as it was, could not overshadow the disruptive activities of ethnic militants in Niger-delta. As observed by Lubeck et al. (2007, p. 1), Nigeria is a major supplier of petroleum to the American and European markets, and ‘the escalating political crisis in the Delta threatens American energy security …’. It is possible that the threat of increased disruption of oil production in, and shipment from the Niger Delta, and an escalation in the kidnap of foreign oil workers, influenced western policy opinion in its decision to lend its support to popular agitation against an unprecedented third term in office for President Obasanjo. Indeed, higher oil prices would have been inimical to American and European energy security.

**Conclusion**

It would be overly simplistic to assume that more funds would be available to Nigeria to carry out development projects as a direct result of the Paris Club debt relief. Nigeria’s debt burgeoned initially from penalties for a failure to meet its debt service obligations to its creditors. The low price of oil in the international market made it impossible for it to have enough resources to meet all its debt obligations.
Therefore, successive governments constantly postponed, or only partly met, the country’s debt service obligations. The supposed success of economic reforms is due largely to the persistently favourable price of its major export earner – oil – in the international market in the recent past. However, the current favourable terms of trade for oil cannot be guaranteed indefinitely. A significant fall in the world market price for crude petroleum will inevitably signal serious trouble for the Nigerian economy. That is the fate of all peripheral economies.

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(Sub)imperial South Africa? Reframing the Debate

Melanie Samson

You can watch MNET’s hit soap opera Egoli in Dakar, eat South Africa’s version of peri-peri chicken at Nando’s in Maputo, make a withdrawal from a Standard Bank ATM in Harare, buy Ceres juice fresh from the Western Cape at Shoprite in Lusaka and do it all dangling a de Beer’s diamond from Botswana on your pinkie. As the post-apartheid South African state manoeuvres to ensure the implementation of NEPAD (New Economic Partnership for Africa) and assume the mantle of peace-broker, leader of the African Renaissance and voice of the continent, its imprint stretches as far and wide across the continent as that of South African capital.

With this kind of presence of both South African capital and the state in the rest of Africa it is not surprising that the word ‘imperialism’ is on many people’s lips. Whilst few deny the growing hegemony of South Africa on the continent, there is heated debate in academic and activist communities about how to characterise these developments. At one end of the spectrum Ishmael Lesufi (2004, 2006) sees them as evidence of South African imperialism; at the other end, Patrick Bond (2004, 2005, 2006) argues that South Africa is a sub-imperial agent of American imperialism.

So, what is South Africa’s role within the current conjuncture? Unfortunately the burgeoning Marxist literature on imperialism provides scant insight or guidance to the South African debate. New theorisations of imperialism trace the differences between contemporary imperialism in which the American state ensures the maintenance and reproduction of global capitalism, and previous forms of imperialism that were associated with inter-imperial rivalry and the extension of formal political control over other territories. The heated debates within this literature are primarily pre-occupied with determining whether states have been superseded (Hardt and Negri 2002) or continue to play a pivotal and even increasing role in imperialist processes (Meikins Wood 2005, Panitch and Gindin 2005); whether a transnational capitalist class has emerged as the driving force of empire (Skilair 2001, Robinson 2004); and whether the actions of the US are driven by hegemony in decline (Arrighi 2005, Harvey 2005) or its relative dynamism and strength (Panitch and Gindin 2004). When Third World states are considered they are generally constructed as objects of imperialist expansion and control and sites for accumulation by dispossession. Issues related to the agency of regional powers have received particularly scant attention. For example, although Harvey notes the rise of ‘sub-imperial’ states in East Asia (and Europe) as a result of their pursuit of spatio-temporal fixes (Harvey 2005, p. 186) he does not theorise their relationship to American imperialism. Therefore, coming to grips with South Africa’s role can make important contributions to broader debates on the dynamics of contemporary imperial processes.

However, the question of how to theorise South Africa’s role is not merely of academic interest. Arguing that South
Africa must be seen as a sub-imperial agent acting as a ‘proxy’ or conduit for American imperial interests has one set of political implications for those engaged in anti-imperialist struggle. Casting it as an independent imperialist force suggests, on the other hand, radically different targets for, and forms of mobilisation.

This article argues that the ways in which Bond and Lesufi conceptualise imperialism and sub-imperialism lead to problematic silences and exclusions and as a result neither theorist succeeds in capturing the nuanced social processes through which South Africa’s current role is constituted and contested. Ironically, neither refers to Ruy Mauro Marini’s initial conceptualisation of Brazilian sub-imperialism (1965, 1972) which, it is argued, provides a useful starting point for addressing the weaknesses and gaps within their frameworks. This article therefore seeks to reintroduce Marini into the South African debate and identifies how more recent writing from South Africa, as well as other contexts, can be drawn on to begin to build a new approach to theorising South Africa’s role.

The article begins by providing a brief overview and critique of the ways in which imperialism and sub-imperialism have been employed in the current South African debate. It then explores how Marini’s theorisation of sub-imperialism can overcome the rigidities and divisions in the current debate. The final section identifies additional elements which must be incorporated into a theorisation of sub-imperialism in the current conjuncture and avenues for future research.

Ishmael Lesufi and South African Imperialism

Lesufi seeks, in a 2004 article published in Current Sociology (Lesufi 2004) and a 2006 expanded, popularised version of his arguments (Lesufi 2006), to explain the South African government’s active promotion of NEPAD, a neo-liberal continent-wide development plan. He argues that after the democratic elections in 1994 South African monopoly capital was finally able to use investments in other African countries to help address a persistent crisis of over-accumulation (Lesufi 2004, pp. 814–817, 2006, p. 28). In his view, the development and implementation of NEPAD followed in capital’s wake and ‘simply rubber-stamps a process that was already underway’ (Lesufi 2006, p. 25).

Lesufi’s explanation of the state’s willingness to legitimise and meet the needs of South African capital hinges on his theorisation of the class-based nature of the state. For him, the working class experienced major defeats during the transition to democracy. He therefore asserts that with the transition, ‘the capitalist classes had achieved what they had failed to do over decades of struggle. They managed to secure a black, legitimate government to preside over their own programme’ (Lesufi 2006, p. 19).

Lesufi adopts an explicitly Leninist theorisation of imperialism as ‘capitalist accumulation in that stage of development in which the dominance of monopolies and finance capital has established itself’ (Lesufi 2006, p. 33). He asserts that ‘South African capital bears all the essential features of imperialism as conceptualised by Lenin’ (Lesufi 2006, p. 37) and that NEPAD is an expression of South African imperialism.

He tackles arguments that the South African state is sub-imperial head-on. For him:

The idea of sub-imperialism is firmly located within the tradition that [erroneously] views imperialism as economic and political relations between advanced, less advanced and backward countries. In this context, the less advanced
countries like South Africa are seen as conduits for the advanced countries’ access to backward countries. Countries defined as sub-imperial are then described as sub-ordinated to advanced imperialist countries. There is also a sense in which imperialism is defined in geographic terms as a phenomenon that can only occur in the North, with everything in the South being victims of the northern monster…There is also a sense in which South Africa is seen as playing the role of a comprador state to US imperialism. (Lesufi 2006, pp. 34–35)

He rejects the position that South Africa is sub-imperial, both because he believes that such a position is based on an incorrect understanding of the nature of imperialism, and because it ‘exonerates states like South Africa from their role in imperialism’ (Lesufi 2006, p. 25).

Lesufi makes important contributions to the debate by deploying a theoretical framework that emphasises the role of internal class forces and the expansive needs of what he refers to as ‘South African capital’. However, despite his theoretical emphasis on class struggle, he provides a crude analysis in which the working class has been so defeated that it ceases to exert any influence on the interests and actions of either the state or capitalists. This is a gross misrepresentation of the position and power of organised labour, the South African Communist Party and emerging social movements in contemporary South Africa. It grants no autonomy to the state and no agency or interests to the ruling ANC. Somewhat problematically, within Lesufi’s account, the state simply executes the will of monopoly capital. Nor does he problematise ‘South African capital’, either by exploring the implications of the move by key ‘South African’ multinationals such as DeBeers and AngloAmerican to London, or by acknowledging the presence of foreign capital within South Africa.

Furthermore, although noting that neoliberalism was implemented in a range of countries in response to the crisis of over-accumulation, Lesufi attributes this to the actions of ‘capitalists throughout the world’, even while overlooking the critical role of the American state in the advent of neo-liberalism (Panitch and Gindin 2004, pp. 20–23). Despite noting similarities between the government’s Growth, Employment and Redistribution (GEAR) strategy, NEPAD and the policies of the IMF and World Bank, he does not consider that either institution, or American imperialism more generally, influenced the South African state’s policy choices. This is linked to his retention of a classical Leninist definition of imperialism, and the related notion of inter-imperial rivalry, in which each imperial state functions independently. Failing to heed Ellen Meikins Wood’s (2005) cautioning against adopting ahistorical theorisations of imperialism, Lesufi neither historicises the context within which Lenin was writing, nor explores the implications of the transformations in the international political economy, coupled with the rise of US imperialism, for the form and nature of ‘imperialist’ actions by the South African state.

**Patrick Bond and Sub-imperial South Africa**

By contrast, as a leading proponent of the ‘South-Africa-as-sub-imperial’ thesis, Bond has sought in a series of publications (cf. Bond 2004, 2005, 2006) to analyse the relationship between US imperialism and the South African state’s agenda in the region. In his view, investment in African infrastructure projects, and Cecil Rhodes’ attempt to ‘paint the map British imperial red from Cape to Cairo’, provided important outlets for over-accumulated European capital in the first period of inter-imperial rivalry (Bond 2004, pp. 149–150). Africa’s ‘looting’ through uneven and combined development played an important role...
in that period and continues in the present day (Bond 2006). However, Bond argues that there has been a substantive shift in the form and nature of imperialism, which is now characterised by the hegemony of American imperialism. Following Harvey (2005) he argues that, ‘modern imperialism necessarily combines neoliberalism and ‘accumulation by dispossession’ in peripheral sites like Africa along with increasing subservience to the USA’s indirect, neo-colonial rule . . .’ (Bond 2006, p. 59).

Bond argues that liberalisation of trade and finance have cheapened Africa’s products for northern consumption and drawn the continent ‘deeper into global circles of crisis management’ (Bond 2005, p. 221). He elaborates a number of crucial, unmediated engagements between American imperialism and Africa, including increased deployment of US troops to the continent, the recruitment of African mercenaries, boosting funding to establish an African peacekeeping force, and using conditions attached to Millennium Challenge Account aid to advance America’s imperial interests (Bond 2005). Bond also meticulously details how the structural adjustment policies of the IMF and World Bank have re-oriented African states to facilitate accumulation by dispossession, the adoption of neo-liberal policies and the implementation of the American imperialist agenda across the continent (Bond 2006).

However, Bond notes that military spending alone cannot secure the imperial agenda of the US; and that, as so few countries qualify to receive Millennium Challenge Account aid, this has proven an ineffective imperial tool (Bond 2005, p. 27).

Perhaps most significantly, he argues that:

... thanks largely to capitalist crisis tendencies and the current orientation to accumulation by dispossession, imperialism can neither deliver the goods nor successfully repress sustained dissent in Africa, not least in sub-Saharan Africa, rife with ‘state failure’ and ‘undisciplined neoliberalism’ (witnessed in repeated IMF riots). The ideological legitimation of ‘free markets and free politics’ requires renewal, therefore. For this, the US needs a sub-imperial partner . . . (Bond 2005, p. 223)

Bond argues that despite their ‘cheekiness’ the politicians in Pretoria have proven to be ideal sub-imperial partners (Bond 2006, p. 100). In direct contrast to Lesufi he locates the genesis of NEPAD in the need for a ‘homegrown Washington Consensus’ (Bond 2006, p. 11) and South Africa’s fulfilment of its sub-imperial role.

Bond leaves no doubt as to whether there is a hierarchy of beneficiaries of sub-imperialism, or who resides at the pinnacle, asserting that

... if Mbeki and his colleagues are benefiting from the high profile provided by NEPAD and all the other global-managerial functions discussed above, the real winners are those in Washington and other imperial centres who, increasingly, require a South African frontman for the ongoing super-exploitation and militarization of Africa. (Bond 2005, pp. 232–233)

Although Bond is clear as to who benefits from sub-imperialism, he does not explicitly elaborate a theorisation of sub-imperialism. As an aside he asserts that, in the earlier imperial period analysed by classical theorists, imperial capacity was ‘reproduced through subimperial processes’ (Bond 2004, p. 163). He also notes continuities in South Africa’s sub-imperial project in the Democratic Republic of Congo in the apartheid and post-apartheid eras (Bond 2004, p. 165). Despite his careful elaboration of the changing nature of imperialism, Bond presents an ahistorical, unchanging conceptualisation of sub-imperialism.

Bond’s analysis is also hindered by his implicit assumption that the South
African state’s engagement with the rest of Africa can be understood by focusing solely on the relationships between Pretoria and Washington and the multilateral institutions. Despite noting the important role played by South African capital in exploitative processes of capital accumulation in the continent, in his texts on sub-imperialism, Bond does not explore the relationship of South African capital with the state, while the state’s interventions across the continent are presented as being rooted solely in its acting as a ‘proxy’ (Bond 2006, p. 104) for the US. Moreover, whilst the South African state plays a critical role within his framework of sub-imperialism, Bond does not provide a theorisation of the state, referring most often to the actions of particular politicians as proof that the state is playing a sub-imperial role.

Whilst Bond focuses mainly on external relations between Pretoria and Washington to support his position that the South African state is sub-imperial, Lesufi (despite theoretical pretensions that he is looking at class struggle and the social relations underpinning the capitalist state) looks only at the state’s fulfilment of the presumed needs of South African ‘monopoly capital’ to argue that it is, contra Bond, imperial.

Ruy Mauro Marini and Brazilian Sub-imperialism

Clearly, what is needed to bridge the divide between Lesufi and Bond, and their respective frameworks of enquiry, is a theoretical approach capable of grappling with the nuanced interrelation of internal and external factors and social relations. This, as Simon argued in 1991, is a strength of Marini’s theorisation of Brazilian sub-imperialism, which Simon correctly notes is a more useful conceptualisation of sub-imperialism than the structuralist approaches rejected by Lesufi (Simon 1991, pp. 23–24).

Writing in the mid-1960s and early 1970s Marini developed the concept of sub-imperialism to analyse transformations in Brazilian foreign policy and, in particular, the collaboration between Brazil and the US in their intervention in the Dominican Republic. His argument is that this cannot be understood by focusing solely on either the US or Brazil in isolation, or only on internal or external factors (Marini 1965).

Marini explores the impact of American investment within Brazil and seeks to trace its effect on Brazilian foreign policy and the export of Brazilian capital. He argues that American imperialism influenced Brazil from within the Brazilian social formation through its effect on internal social relations. In many ways his analysis prefigured Nicos Poulantzas’s later, and better known, theorisation of the ways in which American imperialism is reproduced within other social formations (Poulantzas 1974).

Marini is careful to note that Brazil was not a passive recipient of American investment or mere object of American imperialism. He argues that, due to the class alliance between the Brazilian bourgeoisie and the latifundists, when Brazil encountered a crisis of realisation it could not rely on redistribution and sufficient domestic demand to resolve the crisis (Marini 1965, p. 23). Therefore, internal class relations determined that the only alternative was for the dictatorship to attempt foreign expansion and to export industrial products. However, this required increasing Brazil’s technological level, which Brazilian industry was incapable of doing on its own due to low levels of development. Therefore, the adoption of this model was dependent upon foreign capital. As Marini notes:

imperialism accepted participation, but
it imposed its own conditions. Big indus-
try was denationalized; the exploitation
of raw materials such as iron was
monopolized; the plan to electrify received considerable contributions from the international finance agencies... However, foreign capital declined to promote the development of those sectors reserved for the advanced nations, such as the aeronautic industry. Furthermore, the North American government stymied Brazilian attempts to master nuclear technology. (Marini 1972, p. 17)

Thus, foreign capital significantly shaped and influenced the nature of Brazilian industrialisation and played an important role in its ability to pursue an export-oriented strategy.

This increased alliance with foreign capital also led to a shift in foreign policy away from the more independent approach that had been followed by previous governments towards the barghana leal or loyal bargain in which Brazil became ‘tightly bound’ to the US (Marini 1965, p. 19). Marini is careful to emphasise that this was not just a regression to the acquiescence to the will of the US that had previously characterised Brazilian foreign policy:

For many, what is involved is simply a return to the Brazilian policy of submission to Washington (which was the rule in the period preceding Quadros), and the definitive conversion of Brazil into a colony of the United States. This is not correct. What we have, in reality, is the evolution of the Brazilian bourgeoisie toward the conscious acceptance of its integration with North American imperialism, an evolution resulting from the very logic of the economic and political dynamics of Brazil, and having grave consequences for Latin America. (Marini 1965, p. 12)

Thus, Marini argues that Brazil did not necessarily and automatically pursue the interests of American imperialism. Rather than being a simple ‘proxy’ for the US, the Brazilian state carved out its own role on the continent based on class struggles and class compromises within Brazil (which, as noted above, were imbricated with US imperialism), as well as its own ‘ideological premeditation’. In this respect, Marini ‘appears to have anticipated the Marxian state-centred approach stressing the “relative autonomy of the state”’ that later emerged in the debate between Poulantzas and Miliband (Zirker 1994, p. 115). The particular approach chosen by the Brazilian dictatorship was to position itself as:

the center from which imperialist expansion in Latin America will radiate ... It is not a question of passively accepting North American power (although the actual correlation of forces often leads to that result), but rather of collaborating actively with imperialist expansion, assuming in this expansion the position of a key nation. (Marini 1965, pp. 21–22)

It is on this basis that Marini argues that the Brazilian dictatorship was ‘sub-imperial’. Whilst in his original article on the subject Marini described sub-imperialism simply as ‘the form which dependent capitalism assumes upon reaching the stage of monopolies and finance capital’ (emphasis in the original, Marini 1972, p. 15), he later expanded on this, noting that:

subimperialism implies two basic components: on the one hand, a medium organic composition on the world scale of national productive apparatus, and, on the other, the exercise of relatively autonomous expansionist policy, which is not only accompanied by a greater integration in the imperialist productive system, but also is maintained under the hegemony exercised by imperialism on an international scale. (Marini 1978, pp. 34–35, cited in Zirker 1994, p. 117)

Within Marini’s formulation, therefore, a sub-imperial state is neither simply a ‘conduit’ (Lesufi 2006, p. 34) nor a ‘proxy’ (Bond 2006, p. 104) for American
imperialism. The significance of Marini’s contribution thus lies in his focus on the dynamic interplay between the influence of American foreign policy, the role of American multinationals within the Brazilian social formation, class struggle within Brazil, the dynamics of capitalist accumulation, and a state rooted in capitalist social relations which retains some autonomy. Drawing on Marini’s analytical approach can, therefore, help to overcome the solitudes that plague the current literature on South African imperialism vs sub-imperialism.

**Sub-imperialism in the Current African Context**

However, this is not to suggest that Marini’s theoretical framework can simply be transported across time and space and applied ready-made to the African context. Some key issues which require updating, theorising and further empirical exploration relate to Marini’s focus on industrial exports, his economism, the concept of ‘South African capital’, the regionalisation of class struggle, issues related to race and gender, and the contested and differentiated nature of the African continent.

**Capital versus Industrial Exports**

The export of industrial goods assumes a central role in Marini’s conceptualisation of sub-imperialism. While he observes that such exports are not a sufficient condition for sub-imperialism (as the key issue is the mode of export), he recognises that they are integral to the sub-imperial process (cited in Zirker 1994, pp. 117–118). However, this is at odds with classical theories of imperialism that focus on the export of capital (Zirker 1994, p. 117). It is also out of synchronisation with the emerging South African reality in which capital exports play an increasingly significant role (Bond 2004). Marini’s specific formulation of sub-imperialism as grounded in industrial goods export is perhaps more relevant to analysis of South Africa’s industrialisation drive (and the role played by both multinational companies and the South African Customs Union within it) in the inter-war and post-war years (Gibb 1997, Ahwireng-Obeng and McGowan 1998).

However, it should be noted that Marini himself is careful to locate his emphasis on industrial exports within a detailed analysis of the specific political and economic context and level of development of Brazilian industry in the mid-1960s. Whilst he erroneously builds this solution to a specific crisis in a particular historical conjuncture into the definition of sub-imperialism, it is arguable that his method of analysis can be fruitfully employed to explore the relationship between current material conditions, class relations, American imperialism and the form, nature and composition of exports from South Africa.

‘South African Capital’

As far back as the 1970s, Seidman and Seidman (1977) and Makgetla and Seidman (1980) highlighted how multinationals from the US and other countries were using South Africa as a base to launch their products and operations into the rest of the continent. In keeping with Marini’s understanding of the role played by imperial capital within the dominated social formation, this early research demonstrates the integral role played by these corporations in South Africa’s industrialisation, domination of the region and in securing support from the American state for a less critical stance on apartheid.

Most current literature on South Africa’s role in the region focuses on ‘South African capital’ and fails to explore the activities and influences of foreign capital based in South Africa. It is noted there is scant attention to the differential nature and activities of these companies and how they are shaping South Africa’s engagement with the region. The Industrial and
Commercial Bank of China’s (ICBC) purchase of a 20 per cent stake in Standard Bank for R36.7 billion drives home the impossibility of focusing exclusively on something called ‘South African’ capital when analysing South Africa’s relationship with the rest of Africa. It highlights the utility of supplementing Marini’s analytical framework with Poulantzas’s insight that due to interpenetration of capital national bourgeoisies have been replaced by an ‘internal bourgeoisie’. The challenge remains to identify the particular composition of that internal bourgeoisie within contemporary South Africa, and to trace the influence of its different parts on South Africa’s continental engagements. The ICBC investment also raises the important question as to whether South Africa’s regional activities are shaped primarily by relations with the US.

Overcoming Economism
Simon observes that despite the nuanced way in which Marini conceptualises sub-imperialism, his ‘definition is still too economistic, in that it implies that domestic capital formation and accumulation, and attendant class struggles are the sole cause or rationale for sub-imperial action. While there is obviously a high degree of interdependence between economic and political interests – the essence of political economy – a distinction is necessary’ (Simon 1991, p. 24). Therefore, Simon argues that ‘an essential characteristic of sub-imperialism is having both the economic and political/military power to dominate the surrounding periphery with a degree of autonomy’ (Simon 1991, p. 24). The apartheid state’s intention to preserve white minority rule is a clear example of how factors not strictly limited to capital accumulation influenced sub-imperial activities.

Moving away from economism also requires exploration of how US imperialism shapes the policy and practice of the state and capital other than through direct presence in the South African economy via investment activities. Bond (2000) and Marais (1998) both provide detailed and insightful analyses of the role played by American consultants, the international financial institutions, and the hegemony of neo-liberal ideology in influencing the ANC’s adoption of the neo-liberal Growth, Employment and Redistribution macro-economic policy. Further detailed analyses of the processes through which South African economic and foreign policy towards the continent are developed, including a focus on contestations within the state as well as the influence of external factors could deepen our understanding of the mechanisms and processes of sub-imperialism.

Regional Class Struggle
Marini focuses primarily on the ways in which class relations within the sub-imperial power shape sub-imperial processes. Darlene Miller’s (2004, 2005a, 2005b) analysis of the move by South African supermarket multinational Shoprite into southern Africa alerts us to the importance of having a broader, regional perspective on class struggle. Miller reveals how the mobilisations of workers employed by a South African multinational in Zambia and Mozambique are informed by their ‘regional imaginaries’, which are based on their interactions with South African workers, company information, shop floor experiences and their general understanding of the southern African region. Importantly, she demonstrates that ‘regional working-class formation not only reflects...cross-national flows of capital, but also shapes the way the region is formed’ affecting the investment strategies of Shoprite and other multinationals (Miller 2005a, p. 121).

Race, Gender and Class
When analysing how contested social relations underpin sub-imperial processes it will be important to be attentive to race and gender, and the ways in which they are intimately related to class
formation. Historically race has played a critical role in South African sub-imperialism. Simon (1991) highlights how the objective of preserving white minority rule was a central driving force of South Africa’s sub-imperial regional strategy during apartheid. The South African state was willing to act with a high degree of autonomy and defy international opinion to pursue this goal. The specific regional strategies adopted were further shaped by race and class dynamics within particular social formations in the region (Simon 1991, p. 40). Within literature on the current period there is frequent reference to the fact that the end of white minority rule has facilitated increased South African investment in other African countries. Miller highlights how South African capital consciously represents itself as ‘African’, and as bearer of the African Renaissance, to legitimate this process (Miller 2004). She also explores how racial hierarchies within managerial structures in South African multinationals in the region, combined with racist stereotypes on the part of white South African managers, affect labour relations and managerial strategies within companies (Miller 2005b). A further area for research could include assessment of the relevance of black economic empowerment and efforts to create and consolidate a black bourgeoisie for investment strategies and priorities within South Africa and across the continent.

Analysis of the relationship between gender, class and regional processes has been conspicuously absent from research on South Africa. With respect to the Asian experience Burkett and Hart-Landsberg (2000, pp. 111–112) have demonstrated that the gendered exploitation of women workers in Japan’s early export industries played a pivotal role in enabling and facilitating the success of its specific export model and sub-imperial domination of other South East Asian countries. There is a pressing need for research to interrogate and unearth similar connections between gender and sub-imperialism in the South African context. The differentiated ways in which South African investment in other African social formations is affected by and contributes to a re-articulation of local gender, race and class relations is also in need of scrutiny.

Contested Terrains

Alden and Soko (2005) caution not to treat Africa as a homogenous sphere when grappling with South Africa’s role in the continent. They differentiate between three spheres of South Africa’s economic engagement with Africa: the South African Customs Union (SACU) countries, the Southern African Development Community (SADC) countries, and Africa north of the Zambezi. They argue that South Africa’s hegemony is ‘manifested’ in SACU due to deeply entrenched structural inequalities created by the historically unequal nature of the SACU agreements (Alden and Soko 2005, p. 370). Within SADC they contend that South Africa’s hegemony is ‘contested’ due to lower levels of trade and South African investment, the significant institutional problems encountered by SADC and the ways in which internal South African politics are creating barriers to developmental regional integration (Alden and Soko 2005, pp. 374–379). Most significantly, they argue that north of the Zambezi River, although South African investments have increased substantially and the banking and financial sectors have begun to make significant inroads, South Africa’s hegemony is ‘unrealised’. They argue that this was demonstrated by the fact that, unlike all other African countries, Nigeria, Egypt and Tunisia all had trade surpluses with South Africa (Alden and Soko 2005, p. 382).

Alden and Soko further note that, ‘beyond its own region, a key determinant will be [South Africa’s] relations
with the other leading African power, Nigeria, as well as its ability to compete with other external actors’ (Alden and Soko 2005, p. 36). Within literature on South Africa’s role in Africa surprisingly little research has taken up this challenge and explored in concrete terms the strength and influence of South African investment and foreign policy relative to that of other African and international powers. Such research will prove invaluable in assessing the extent and indeed existence of South African sub-imperialism in various parts of the continent.

Acknowledgement

The author would like to thank Leo Panitch and Patrick Bond for comments at an early stage of the article.

Endnote

1. This article was originally received on 11 April 2007 and accepted for publication on 6 March 2008.

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**Plans for a Zimbabwe Aid Package: Blueprint for Recovery or Shock Therapy Prescription for Liberalisation?**

**Sarah Bracking & Lionel Cliffe**

In *The Shock Doctrine: The Rise of Disaster Capitalism*, Naomi Klein presents Bolivia as an early case of neo-con, neoliberal strategies for capitalising on disasters in order to promote liberalisation. Here we ask whether Bolivia is a harbinger of Zimbabwean futures or a cautionary tale.

In 1985 Bolivia faced hyperinflation up to 14,000 per cent, and there was a massive accumulation of external debt. There had been economic meltdown and a flight of thousands to seek incomes in neighbouring countries, Spain and US. However, the country had not gone as far as others in Latin America in following Structural Adjustment prescriptions. In these circumstances of economic crisis there were the first elections for over 20 years. The newly elected government of President Paz then adopted a ‘shock therapy’ plan to end hyperinflation and to promote a new economic strategy, which was to radically dismantle the entire state-centred economic model. This had been put together behind the scenes, despite the elections, using a blueprint from Harvard economist Jeffrey Sachs (who was to bring the same shock treatment plan to Russia in 1991, although he now has the image of a pro-poverty reduction heterodox develop economist).

The chief instrument for combating inflation was to raise prices, opting to put the resulting burdens on the poor: food subsidies and price controls on essentials were eliminated, public service wages were frozen, government expenditures were severely cut, the

DOI: 10.1080/03056240902934016
economy was fully opened up to outside trade and investment, parastatals were downsized ready for privatisation. Inflation was brought under control but the overall plan, of liberalisation by shock treatment, led to massive impoverishment. There was also a political concomitant: repression of demonstrations about lay-offs and food prices, the detention of most trade union leaders and their supporters, amounting to a ‘state of siege’ through a ‘civilian coup d’etat’.

**A Zimbabwe Recovery Plan?**

In the light of this example, consider media reports about ‘recovery plans’, which began to appear alongside the tumult over the 2008 elections in Zimbabwe and the delay in releasing the results. These suggested that a programme for economic restoration was ready in outline to be implemented should there be a change of regime in Zimbabwe, and it was in fact discussed at the Spring 2008 meetings of IMF/World Bank (The Guardian, 14 April 2008).

The UK’s Department for International Development (DFID) also announced that they were working out a substantial programme. International donors are thinking in terms of a three-point programme to which they are ready – immediately – to commit enormous financial resources:

- A currency stabilisation fund and strategy
- A vast expansion of humanitarian support
- Regularisation of land tenure and property rights.

These initiatives raise several worrying implications. First, they show that ‘recovery’ is seen as an opportunity to invoke complete liberalisation. Second, they reveal the unsavoury nature of holding numerous conferences and gatherings externally to plan what would or will happen when the regime is gone, when the energy of participants could have more usefully be engaged with how to prevent state authoritarianism and deterioration and support victims of the crisis. This type of ‘planning’ is based on an unrealistic view of how states reform: there will be no magical date on which ‘The Old Man’ will die and good governance will be restored, as if by magic. There is likely to be a much longer process of struggle. Second, this planning is undemocratic and exclusivist, since it does not invoke procedures to include Zimbabwean popular opinion. Finally, but perhaps most significant, it is absurd that neoliberal shock therapy, with all its proven inadequacies should have emerged as the policy package that donors are advocating, especially at this moment of global failure of free market prescriptions. There is an urgent need for elaborating a more appropriate type of development, in terms of democratic reconstruction, should such an opportunity arise.

Later, as ZANU-PF and MDC-T and MDC-M signed the Memorandum of Understanding (MOU), or power sharing agreement in September 2008, the promise was of more aid and liquidity in exchange for ZANU-PF cooperation. The (MOU) talks of the normalisation of Zimbabwe’s external relations, an end to its negative reputation internationally, and its imminent accommodation with the Bretton Woods Institutions (BWI). The language of rights to international borrowing is used. Shortly after the MOU was signed, more detailed reports started to emerge, including a UNDP ‘recovery package’ (UNDP 2008). Both the MOU itself and the UNDP document contain overtones of economic policy orthodoxy, and in the case of the former, outright inconsistencies on the economic path to be followed, such as resumption of BWI debt repayments, and a proposed increase in social investment.
However, there are at least three areas in which the interests of the workers and destitute in Zimbabwe are not being met:

1. Within the transition process;
2. In terms of the transitional institutions that are taking shape; and
3. Because the prescriptions for change and ‘development’ which are set to follow this period of normalisation are neoliberal, and do not secure their economic interests.

In terms of the first, popular and democratic interests have been thus far been locked out of the elite pact process sponsored by Mbeki, and remain locked out of the discussion with donors, and are thus effectively excluded from the transitional process. Suffice to say that popular opinion and the more structured inputs from the civic sector and the Zimbabwe Congress of Trade Unions (ZCTU) are required in order to secure for society a stake in the democratisation process, if there is to be one, and the new republic. Their exclusion so far does not bode well for the type of transition that will occur, since a lack of democracy is likely to be magnified and reproduced in later stages. At the time of writing, the great performance of the MOU, the act of ‘normalisation of crisis’, and the excitement which followed the ceremony have waned with the realisation that there were no dates which fix its implementation, and power predominantly still belongs to Mugabe and ZANU-PF.

In terms of the MOU and the proposed Government of National Unity, Munyaradzi Gwisai, of the International Socialist Organisation of Zimbabwe, wrote of the unacceptability of an elite pact ‘around a Western-supported full neoliberal economic programme’ (Gwisai, 2008). Observers like Gwisai conclude that locking civil society out of negotiations has critically demobilised the opposition, marginalised the historical support base of the MDC and left critical issues of transitional justice unattended. Lovemore Madhuku further termed the signing of the agreement by the MDC ‘capitulation’ (SWRadio Africa 2008a). The ZCTU concluded that the MOU ‘creates a government that is in itself not a transitional government but a structure incorporating losers’ (ZCTU 2008). In the words of COSATU of South Africa, the deal ensures that ‘the loser has become the winner and the winner the loser’ (COSATU, at Pambazuka News, 2008). The majority view is more generous, perhaps overly so, as expressed by Brian Raftopoulous, that it represented an opening of political space by unequal parties and that this is the best they could do in the circumstances (SWRadio Africa 2008b). At the time of going to press, the MOU appears dissembled, as cholera and hunger tear into the fabric of society, and ZANU intransigence prevents the Agreement being implemented.

A second concern raises issues about the dimensions of the institutions taking shape, or indeed occurring as a de facto result of the non-implementation of the Agreement. The MOU itself leaves many strategic powers in Mugabe’s hands – such as decisions over war, declaring a state of emergency, chairing the Cabinet, and even appointing the Prime Minister. But let us accept for the moment the argument that it was all Tsvangirai could get without resorting to violence under the asymmetric negotiating forum supplied by President Mbeki, and in order to restore some semblance of food security to the hungry held hostage to Mugabe’s intransigence. A further implication for social and economic change is partly related to the first, in that the demands from civil society for transitional justice, and political and social priorities have already been downgraded relative to the donor-led obsession with the macro-economy first, which is typical of the shock therapy approach. Important issues of justice and rehabilitation, not least for the families of those hundreds of people murdered during the recent violence, have been swept under the carpet.
in the name of reconciliation and ‘necessary’ economics. A third dimension is that the donor plans that do exist, even if they are currently an ill-kept secret, contain an archetypal fascination with large top-down approaches, which will inevitably underwrite and support the same type and model of highly unequal social change that was ‘supported’ last time around, during the 1990s.

The MOU itself promises an acceptance of all current property ownership, but then an inventory of all holdings and also the elimination of multiple farm ownerships. It demands the end to imperial aggression, alongside a call for greater donor cooperation (available in full from Sokwanele 2008). In parts it agrees between the parties policy change that none of them, even together, can deliver, including the reversal of sanctions legislation in the US Senate and a restoration of full IMF drawing rights. Both within the MOU and more particularly in comments made by Tsvangirai, it is clear however that a full, immediate and large influx of liquidity and donor grants is anticipated and requested. It is seen as axiomatic that this should be developmental, both by ZANU-PF, who juxtapose their cooperation with the restoration of international finance as response and reward and by the MDC who cite development finance as a necessary part of reconstruction. The problem is that both conceive of the role of development finance un-problematically and within flawed frameworks. ZANU-PF, because donor money is not principally seen as a development good to be invested, which would lead to an income stream to ensure its repayment, but simply as a reward for good behaviour to be collectively consumed by the elite. From the MDC perspective, incoming money at this point would have a contradictory effect, which it does not fully understand or appreciate. It would, for example, re-liquidate parts of the economy and industry which fuel ZANU-PF patronage, fill off-shore bank accounts and help fund the spoils politics model that has become the norm. A prior democratisation and adequate regulation of the economy is required to prevent this outcome.

More generally, however, it is the nature of the policy package that is being imported which represents a significant hazard. For example, the UNDP document imports a wholesale acceptance of the neoliberal formula of price, investment and trade liberalisation, restoration of a conventional Central Bank and acceptance of IMF and World Bank instruments (UNDP 2008). This is all very odd for an organisation which has historically resisted this policy paradigm, particularly since the global crisis has contributed to undermining it elsewhere. In fact, some ‘emergency’ measures look distinctly neo-conservative, such as to restructure or privatise the Ministry of Finance and introduce cost-recovery for public services. That these are inappropriate should be intuitively self-evident to a Zimbabwean, who would know that when there are no goods in the shops, liberalising their prices is a somewhat academic exercise.

The same lack of logic applies to cost recovery for schools and clinics. A Multi-Donor Trust Fund (MDTF) Discussion document on the ‘Recovery’ contained similar neoliberal orthodoxies, despite its preliminary nature as a ‘living’ document, which acknowledged gaps in knowledge required by ‘stakeholders’. Ironically, the ‘Zimbabwean Economic Recovery Programme’ (ZERP) relies somewhat prematurely on a ‘government’ to implement it; which is what Zimbabwe lacks. Despite this obvious drawback, the document still outlines a ‘stabilisation framework of ‘(a) exchange rates unification, (b) deregulation of prices, and (c) improved management of public expenditures’ (MDTF 2008). Alongside a safety net for the poor
during stabilisation (only), it concentrates on public financial management, fiscal adjustment and private sector regeneration.

Academic contributions are not necessarily suggesting improvements to these intergovernmental blueprints. They often reproduce the ways donor analysis creates a necessary role for donor intervention and refinancing. For example, it is persistently argued, here by Bird and Busse (2007) that:

Years of economic and social damage are not easily reversed, and the economy and key economic institutions have now declined to such a point that recovery will be impossible without significant external assistance. (Bird and Busse, 2007, p. 15, citing Hawkins 2006)

However, this is not such an obvious proposition as it appears. The counterfactual is equally true, that since institutions are so weak, recovery will be impossible with external assistance, since local demands and positions will be railroaded under the negotiating pressure of those with the money. In addition, past donor intervention may be implicated in the concentration of political power that led to the crisis in the first place (Bracking 2005). The supposed necessity of intervention is then followed by lists of things to do. Moss and Patrick (2006) propose a list of donor interventions as a framework for Zimbabwe’s recovery, reproduced in Bird and Busse, which includes, alongside the less contentious humanitarian forms of assistance, a coordinated donor effort and Trust Fund, the formulation of a ‘National Reconstruction and Development’ plan, an investment conference to attract back money and a ‘quick’ normalisation of Bretton Woods relations (cited in Bird and Busse, 2007, pp. 15–16).

These interventions would ensure that a neoliberal, dependent development pattern would ensue, without any proper democratic debate or consideration of how far this type of development was implicated in the current crisis in the first instance. When Bretton Woods institutions invested before, using these types of conduits, perhaps about one half of the loans went bad (a conjecture based on the British case), and about $1000 million remain on the books. However, the current Zimbabwean elite, and many of the most notorious anti-democrats among it, were put on the road to riches by projects that allowed and conditioned their participation as equity owners and ‘new, indigenous entrepreneurs’. A future Zimbabwian protected as far as possible from patrimonialism would not use these types of private sector development vehicle, but more grassroots, cooperative and mutualist conduits. Suffice to say here, that this debate needs to be had. A ‘quick’ normalisation with Bretton Woods could also be an expensive one.

Moreover, Zimbabwe is not the economy that most assume it to be, but has arguably morphed into one with profound likenesses to a minerals extractive rentier state during its protracted crisis. In this regard, many commentators have missed the significant investments into its minerals sector during the past five years, many from London. Zimbabwe, despite its crisis, is riding the boom in minerals commodity prices and earnings from British companies in Zimbabwe have actually stood up remarkably well. Thus these companies and stakeholders will also want a place at the table, and with Bretton Woods re-engaged could quickly re-liquidate their assets before a review of the legality of property claims has had time to report. As Pogge remarks, the sovereign right to dispose of assets is a morally hazardous one where corrupt elites are concerned (Pogge 2002), and the Zimbabwean polity at large might want to review deals that have been done recently in this regard, before economics is retuned to ‘normal’.

In June 2008, for example, Anglo, now a UK listed company, and in the context of
extreme election violence, announced a $400 million investment to develop a platinum mine at Unki (The Times, 2008). In total, by June 2008, over 200 UK and South African companies remained substantially invested in Zimbabwe, in the face of a newly passed Indigenisation and Economic Empowerment Act, which aims to force them to hand over majority ownership to Zimbabweans, including Lever Brothers, Barclays Bank, Standard Chartered Bank, Standard Bank, Stanbic Bank, Impala Platinum, Angloplatin, Mettalon Gold, Rio Tinto, Edcon, Merchant Bank of Central Africa and several enterprises owned by Anglo American (The Star 2008). Earnings from British investments in Zimbabwe between and including the years 1997 to 2006 totalled £498 million (from Office for National Statistics, Foreign Investment Surveys, Table MA4 3.1). Despite the crisis, between 1997 and 2006, £378 million of new investment flows were made by British domiciled companies in Zimbabwe (ibid). In other words, despite the ‘sanctions’, the real minerals based economy has shored up a rentier elite, and the pressure from the owners of these enterprises will steer the debate on public debt if allowed to do so. It is the authors’ opinion that only sufficient liquidity to refinance a democratically controlled Reserve Bank of Zimbabwe should be accepted in the short term. The humanitarian response should be grant aid. The debate on writing off odious debt should be had, before reengagement with the BWI.

Such a review of contractual obligation might determine, for example, that a windfall tax on the newly arrived minerals companies could raise just as much as the IMF might offer, while Zimbabwe holding out for full Paris Club cancellation is the only option for such a stock of odious debt. An estimate of Zimbabwean debt in 2007 was of a combined stock of principal and cumulative arrears totalling US$ 4.9 billion (USAID 2007). If reengagement with BWI is contemplated without a deal to cancel debt stock, the issue of the moral weight of how far Zimbabweans should be expected to honour odious, misappropriated and otherwise bureaucratically added ‘arrears’ in their debt stock will be sidelined. On the other hand, an incrementalist approach would deliver to the donors successive public relations opportunities on pieces of debt relief, which would be recounted as ODA, and would give a false sense of generosity. Leverage is a political moment and the debt stock is not so significant as to be able to determine all political positions. However, the donors will want to give the impression of an intractable obligation which delivers Zimbabwe into their hands.

**Anti-inflation Measures**

The IMF is said to believe that inflation can be curbed within 12 months, but that price and exchange rate liberalisation would be prerequisites (The Guardian, 3 April 2008). One wonders how much more liberalisation they have in mind? Indeed, tough measures would be needed, probably involving price rises and holding down of wages, possibly the loss of jobs and cuts in public spending. But would a strategy necessarily concentrate on price increases for essentials without compensatory measures, or merely provide emergency social protection rather than livelihood promotion? How might it be shared across all sectors and classes rather than just the poor? But again, most of these promised interventions would not correspond to real conditions: there are few if any goods to buy and a residual number of workers to target. Most public sector pay is worthless. In this circumstance, even development assistance can be inflationary. A revised currency could be used to target social assistance.

Questions also need to be asked about the political concomitants of such shock therapy: what plans for containing food riots or other protests? What political
agency would play this role? Specifically, what would be the consequences for a party like MDC, if it were to be centrally involved in government, if it had to curb the trade unions, as in Bolivia, which were a vital core element in its growth?

**Humanitarian Support**

There is indeed a great need for humanitarian aid to meet emergency needs of those impoverished by the past meltdown and directly affected groups such as ex-farmworkers and other farm dwellers, the urban displaced from the 2005 Operation Murambatsvina (literally, ‘disposing of rubbish’), as well as the especially vulnerable like HIV/AIDS affected adults and orphans.

There has also been a steep decline in the provision of education, health and social protection as a result of the decline in the state’s own financial and human resources, which has only been partly compensated by initiatives by NGOs, some of the latter attracting financing from donors whose sanctions policy means the restriction of aid funds to emergency rather than development purposes, mainly funnelled through NGOs as opposed to state bodies. For example, there has been provision of food aid, and a melange of projects from school feeding to vouchers for food and for livestock and inputs provided by NGOs, some of which went slightly beyond mere emergency relief, such as the UK’s Protracted Relief Programme (PRP).

However, what would be implied by an orthodox current stabilisation policy, involving price hikes and job losses, is a further short-term increase in the need for these humanitarian measures – dimension number two of the package. In addition, presumably these would be conceived within a framework of only providing a safety net targeted to the most vulnerable and the worthy poor. Programmes such as PRP could be scaled up, but could not substitute for the reconstruction of nation-wide, sustainable social services institutionalised and made sustainable within guaranteed budgets, which Zimbabwe used to have but which will not easily be restored within a strategy that seeks to downsize the state role.

There is a further risk if this liberalisation orthodoxy provides the model for planning and if donors are the ones drafting the policy details – that of putting the emphasis on the ‘social protection’ focus, currently so much in vogue, without complementary stress on rebuilding productive capacity. To take but one, yet crucial example, subsidising fertiliser, seed and other inputs for small farmers has proved to have boosted food availability, livelihoods in Zambia and Malawi (against the initial advice of donors, who have, like the World Bank in its latest annual report, finally come round to see the benefits). This type of initiative could have a profound impact on production in Zimbabwe, including that of the thousands of smallholder recipients of land reform. The available evidence, although partial, does indicate that the loss of production in all sectors, including that in the communal areas (which could not have been due to land take-overs) has to a major extent been a result of non-availability of farm inputs. Moreover, Zimbabwe has a historical advantage over its neighbours in having an indigenous fertiliser industry, the restoration of which would avoid importation (whether paid for commercially or by aid) and have a multiplier effect. Yet its restoration is only a remote possibility without the right kind of state-led role in planning, prioritising of provision of spares and thus foreign exchange, protection against imports, and maybe also direct participation in the equity. This one case of a potentially strategic component of rebuilding productive capacity is but one example that highlights the choices that have to be made in drawing up a plan for recovery, and the need to
link humanitarian assistance to an alternative development plan.

Fortunately, some discussions and drafting of alternative plans for recovery have been taking place among Zimbabwe intellectuals, professionals and civil society bodies despite all the immediacy of the political crisis. One ‘think-tank’ has specifically been developing position papers along lines that recognise the need for more realistic relations with the international economy and with donors and potential investors, but that also questions whether such a ‘normalisation’ need be on the basis of full liberalisation of the economy, and on the basis of the giving up all aspects of public involvement in the economy. This discourse needs to be recognised by outside observers and dialogue with them pursued. The Zimbabwean public can afford to wait while this happens, since the argument for full normalisation with Bretton Woods, excepting RBZ liquidity and humanitarian support, is very weak.

Future of Land Reform?

There are several issues, discussed below, resulting from the Fast Track Land Reform (FTLR) which certainly need attention but which also involve choices between options, some more compatible with a broadly liberalisation approach and alternatives that are arguably more appropriate to crisis conditions in Zimbabwe. However, as one early contribution to the future policy debate (Scoones, Internet 2008) has argued, the starting point for any debate about options is to get a clear idea of what is the actual situation on the ground. They assemble survey data to refute certain crude ‘myths’ that abound, arguing that it is too simplistic to see the FTLR as a ‘total failure’, that ‘political cronies’ have been the only beneficiaries’, that ‘there has been no investment’, that ‘agriculture is in complete ruins’ and ‘the rural economy has collapsed’. It is surely correct that the realities the FTLR have created have to be appreciated, but their data from one province in the south east, Masvingo, may not be representative of other parts of the country and needs to be put alongside other survey data such as that by Moyo and Matondi (2008) who have far more data than reported in this published article. Scoones (2008) in qualifying charges that most land has gone to ‘cronies’, does not discuss the widely reported trend for patronage to be used in allocations to lead potentially to a form of new landlordism (see below).

National and International Acceptance of the Post-land Reform Realities

It is unlikely that even the most orthodox international actors expect a complete reversal of land redistribution, although there might be arguments for the return of a few former owners, especially of strategic enterprises such as seed producers, breeding stock ranches or high-tech irrigation. In this regard the MOU clearly states that there will be no reversal of the Fast Track Land Reform (FTLR). However, donors are likely to want to save face before accepting that reality by some legal formula about acquired land that would legitimate in their own eyes the resumption of aid and investment in the economy as a whole, as well as support for the land reform sector. Negotiations to find a compromise that would satisfy this need without it involving too great impositions on the new landowners and the overall economy might yield a formula acceptable on all sides. Here some of the elements of what UK and the Government of Zimbabwe had negotiated in 1996–98 on land reform might be revisited – after all the two countries came close to an agreed, widespread and funded programme but for the intervention of political leaders on both sides. (It is ironic, and possibly provocative and counterproductive, given this history and Mugabe’s anti-colonial power rhetoric of recent years that reports about the ‘Plan’
suggest that responsibilities for the lead role in this area have been assigned to the UK).

Sorting Out the Land Tenure Entitlements on the FTLR

The tenure rights of those who received land are by no means clear and unambiguous in legal terms. As a result of the still un-issued documentation of allocations, with beneficiaries so far receiving only letters or permits, there is a lack of clarity about leasehold tenure, continuing legal challenges by former owners, the ambiguous role of chiefs – and also in practice – as a consequence of overlapping and even multiple entitlements to the same plots and widespread disputed claims, the competing roles of a range of government, party, chiefly and other would-be bestowers of patronage. Some of the confusion and resulting less than optimum use of the new land holdings is recognised by the provision in the MOU which calls for a ‘land audit’. However, specific measures will be called for once an accurate picture of conditions on the ground are revealed, among them:

• a dispute settlement and if necessary compensation process is needed to deal with the many contested claims, as well as the inventory provided for in the MOU;
• secure title, not simply ‘permits to use’ or conditional leases subject to the whim of self-selected land committees, is needed for those who received land, especially the smallholder A1 recipients. This would boost their confidence and determination, and ideally it should put an end to the prospect of a de facto ‘landlordism’ by elites who control access that has tended to emerge; this should in turn be linked to some system of making credit available to them not based solely on offering titles as security for loans with the attendant risk of repossession;
• evidence, although partial, suggests that the medium size A2 beneficiaries are having less success, which if true, prompts the need for a mechanism for the reacquisition of unproductive land, perhaps to pass on to A1 farmers.

Programmes for Revitalising Production in All Sectors

There is a strong need to increase production on farms in the communal areas, old (1980s) resettlement farms, both A1 and A2 farms created by FTLR, remaining and returning commercial farmers – through a variety of measures such as input supply, extension, fairer and improved (but not necessarily totally private) marketing. One of the strategic requirements is to resuscitate the indigenous fertiliser industry, which Zimbabwe, unlike most African countries, has had for decades, but which has barely survived the limited access to credit, to spare parts or to raw materials. Support for this mode of meeting crucial needs of all farmers will also increase productive potential and have a multiplier effect which the alternative of financing imports of fertilisers would not have. However, such a priority and the funding of state enterprise and the tariff protection it would require would be precluded by orthodox liberalisation formulae.

Conclusions

In Zimbabwe, the first need is for much greater transparency about planning by the international community, since the current processes at work are fundamentally anti-democratic. Outlines should be subject to broad-based, open scrutiny and critique to see how far they are premised on ‘shock’ therapy against inflation, and on outmoded formulae of wholesale liberalisation with only safety net provision for the poor. This formulaic prescription of a free market as prerequisite should not be tenable even in donor
circles, given the debacle of the international financial system.

Outside observers need to familiarise themselves with thinking that has already occurred and continues to go on in Zimbabwe. This should include approaches to recovery that adopt different social change paradigms, incorporating equity and social justice, like the notable contributions of the Zimbabwe Coalition on Debt and Development. Alternative plans need to be discussed that incorporate a fairer social division of the necessary short-term costs of recovery; a reconstitution of production and livelihoods and not just humanitarian relief; and a rebuilding of those state mechanisms that will be needed for a democratised macro-recovery. A dialogue with international actors sympathetic to the Zimbabwean political and economic realities would be useful, but the premature precedents discussed here are adopting neo-colonial procedures and policies that would surely serve to strengthen only the ZANU-PF elite, rather than dislodge them. The coalition of social forces demanding change in Zimbabwe surely requires a different operating paradigm and the right to own the process, policies and outcome of (eventual) political transition. The likelihood that had become apparent by the end of 2008 was that any international aid would suffer from the overall credit crunch – all the more reason that the main strategising, and even resourcing, should come from the Zimbabwean side.

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Apartheid Reparations and the Contestation of Corporate Power in Africa

Patrick Bond & Khadija Sharife

The joint activist and juridical movement for reparations against corporations that profited from apartheid is finally making progress within the generally hostile US judicial system, using the ‘Alien Tort Claims Act’ and public pressure. By way of an update on the struggle, this briefing first reviews the core evidence presented by plaintiffs representing tens of thousands of black South African victims of apartheid (Khulumani et al. 2002), considers the rebuttals by corporations (Morrison and Foerster 2008), and then turns to an update on the apartheid lawsuit and similar initiatives which demand that the ‘historical debt’ associated with oppression be repaid by those who profited, with interest.

Apartheid profits

To what extent did transnational corporations not only profit from but also sustain the apartheid regime? As one of white South Africa’s most notorious leaders, John Vorster, once proclaimed: ‘Each bank loan, each new investment is another brick in the wall of our continued existence’ (cited in Khulumani et al. 2002, p. 78). In 1980, his successor P.W. Botha appointed corporate representatives from Barclays, Standard Bank, Anglo American and other firms to serve on the Defence Advisory Board (DAB), a group that was instrumental in securing corporate support for apartheid policies. Botha told the House of Assembly:

We have obtained some of the top business leaders in South Africa to serve on the DAB in order to advise me from the inside, not only about the armaments industry, but also about the best methods to be applied within the Defence Force... I want to unite the business leaders of South Africa, representative as they are, behind the South African Defence Force. I think I have succeeded in doing so. (Cited in Khulumani et al. 2002, p. 79)

This collaboration, integral to the existence of the apartheid state, was acknowledged by Barclays chairman Sir Frederic Seebohm:

There are one or two identifiable political groups in [South Africa] who are bent on destroying our society in order to impose their own minority ideologies on the rest of us ... One of their objects is to bring about bloody revolution and they see in South Africa a chance to do just this. They believe fervently in a policy of destruction, which is the policy of an empty mind and those who have opted out of civilised society. (cited in First et al. 1972)

Similarly, the post-apartheid Truth and Reconciliation Committee (TRC) found that

business was central to the economy that sustained the South African state during the apartheid years. Certain businesses, especially the
mining industry were involved in helping to design and implement the apartheid policies. Other business benefited from cooperating with the security structures of the former state. Most businesses benefited from operating in a racially structured context. (Khulumani et al. 2002, p. 156)

Banks, including Barclays, Citicorp, Dresdner and Commerz, provided the interface, acting as intermediaries between the licit and illicit, financing and sustaining corporations and the regime. According to an article published in The Nation in 1976, ‘South Africa is borrowing heavily to finance massive development projects and boost its defence spending … It is hard to imagine where it would be right now without borrowed funds’. In 1979 the Chairperson of the UN Special Committee against Apartheid charged Citigroup for supplying one-fifth of the $5 billion inflow that bolstered apartheid in the months following the Soweto uprising. As late as 1989, Newsday headlined a report, ‘Citibank under Fire: Loan Terms seen as Aid to Pretoria’. The New York newspaper revealed that the bank rescheduled outstanding loans of $660 million on lenient terms. The same year, $8 billion in loans were refinanced, negotiated by Barclays, Dresdner, Deutsche and UBS (Khulumani et al. 2002, p. 115).

Basil Hersov, former head of Barclays during the apartheid era, served on Botha’s DAB. Barclays was listed by the UN as providing one of nine major loans to the SA government and its corporations, totalling $478 million ‘in which Barclays played a leading role’. In 1976, Barclays acquired one-eighth of all South African Defence Bonds, directly financing the armed forces. Bob Aldworth, Barclays Managing Director described it as ‘part of (Barclays) social responsibility to the country’. In 1979, the company would underwrite and purchase shares in the state oil company, Sasol, the latter being set up to subvert sanctions through coal-to-oil conversions (Khulumani et al. 2002, p. 113).

To summarise, the corporate role in South African racial oppression was so substantial that even US president Ronald Reagan’s 1985 Executive Order implicitly acknowledged the support US firms gave the apartheid state.

The EO will put in place a set of measures designed and aimed against the machinery of apartheid. These steps include a ban on all computer exports to agencies involved in the enforcement of apartheid and to the security forces; a ban on loans to the South African Government … (Reagan 1985)

However, moving from such clear evidence to a formal finding of a ‘tort’ requiring reparations payments, as in the case of the Holocaust survivors who sued European corporations in the US courts, would not be easy.

The Corporate Defence

Post-apartheid political discourse has been characterised by a ‘talk left walk right’ strategy in which anti-corporate rhetoric offered by the African National Congress occasionally emerges within a prevailing corporate and neoliberal discourse (Bond 2006). This admixture of left and right political references has provided space for the South African government to disapprove of claims for historic justice against multinationals that worked closely with the apartheid system through progressive/nationalist references, invoking alleged ‘judicial imperialism’.

This basic problem was discovered by South Africans who utilised the US Alien Tort Claims Act (ATCA) in seeking compensation to be awarded against apartheid profits. The ATCA has recently been employed in some high-profile
international cases. In 1997, Holocaust Litigation cases were filed under ATCA against Swiss banks, and ultimately settled out of court for $1.25 billion. Other ATCA cases settled out of court included victims of Burmese junta repression allegedly aided by Unocal and Yahoo! which allegedly turned over private information to the Chinese state, resulting in the imprisonment of Internet users. In 2002, South African activists including Dennis Brutus and Lungisile Ntsebeza, as well as the Khulumani Support Group for apartheid victims and Jubilee South Africa, used the ATCA to sue dozens of multinational corporations operating in South Africa during apartheid.1

Because the Bush Administration persuaded SA President Thabo Mbeki to oppose the plaintiffs in mid-2003 (cited in Bond 2006), New York Southern Circuit Judge John Sprizzo ruled the case in favour of the corporate defendants in November 2004. Sprizzo argued that the ATCA was trumped by US foreign policy and South African domestic economic policy considerations. However, three years later, in October 2007, litigants won an appeal in the Second Circuit Court, which found that ‘in this Circuit, a plaintiff may plead a theory of aiding and abetting liability [for international crimes such as apartheid] under the ATCA’ (McOwen 2008). This too was appealed, and in May 2008, the conservative US Supreme Court was expected finally to kill the lawsuit on behalf of the corporations. However, four of the justices discovered conflicts of interest in their own investment portfolios (they owned shares in the sued companies), and so the Supreme Court had no choice but to pass the case back to the New York courts, which in February 2009 held another hearing on a corporate motion to dismiss.

In the corporations’ defence, a ‘Memorandum of Law in Support of the Defendant’s Joint Motion to Dismiss’ filed by Daimler AG, Ford Motor Company, Barclays Bank, International Business Machines Corp., Fujitsu Ltd. and UBS (Morrisson and Foerster 2008), offers numerous rationalisations:

- the plaintiffs fail to ‘state a claim cognisable under the (tort statute) grant of jurisdiction’ violating the laws of nations or a treaty of the US;
- ‘aiding and abetting international law violations are not actionable under the statute’;
- ‘allegations of aiding and abetting the apartheid government do not state a claim because doing business with apartheid South Africa did not violate international law’;
- ‘no defendant is alleged to have been involved in the promulgation or enforcement of the laws by which apartheid was administered (or) alleged to have committed torture, genocide or extrajudicial killing’;
- ‘complaints are composed almost exclusively of allegations concerning the sale of automotive vehicles and computers, and the loans of funds to parties in South Africa – conduct that is not and has never been in violation of international law’;
- international law ‘never imposed obligation on defendants to divest’;
- ‘none of the defendants’ home countries ever prohibited South African commerce altogether’;
- the UN Resolutions were limited to ‘intense debates over whether to prohibit commerce with South Africa’;
- the UN General Assembly is not a ‘law-making body’ but exists instead for purposes of ‘political discussion’ which is at best ‘merely advisory’;
- various resolutions, e.g. UN Security Council Res. 569 (1985), were not binding on member states or corporations and resolutions did not specifically single out the manufacturers of armaments and military vehicles, the technology corporations or the banks;
- ‘accessorial liability’ and ‘substantial assistance’ could not be proved,
reiterating the words of Judge Katzmann who concluded that the plaintiffs
must prove ‘practical assistance … with the purpose’ and intent of facilitat-
ing the commission of primary violations;
• the tort statute is interpreted (and con-
strained) by ‘specificities comparable
to 18th century paradigms related to
piracy etc;
• the tort statute’s jurisdiction does not
extend to the extraterritorial nature/
conduct of multinationals in foreign
nations, and that it was never intended
to be used applied outside US borders;
• international law does not recognise
corporate liability with jurisdiction
extending to natural persons only,
further highlighting that no inter-
national court has ever found a corpor-
ation guilty of ‘violating a norm of
international law’;
• the tort statute does not contain a
statute of limitations, hence the defen-
dants borrow the ten year limitation of
the Torture Victim’s Protection Act, to
dismiss the claims;
• there is ‘no basis for tolling the limit-
atations period … to overcome their
failing to bring suit so many years
after Mandela’s election …
• Khulumani’s claims do not relate back
as initially, the suit was materially
different (deliberate on the part of Khu-
lumani’s counsel), who have only this
year switched to ‘class action’;
• Khulumani lacks associational stand-
ing, for ‘the presence of the individual
members – the real parties in interest
– is required … importantly to avoid
the risk of duplicative litigation’;
• ‘Khulumani (KSG) lacks standing to
sue on its own behalf’, and as for
claims that KSG incurred expenses via
voluntary expenditure on victims’
behalf, the defendants maintain, ‘this
type of derivative claim could only be
based on equitable subrogation, which
is not available to volunteers’;
• ‘Judgment in favour of plaintiffs would
subvert the democratic decisions of
those countries to permit, – and

indeed, to encourage, regulated com-
merce in and with apartheid South
Africa’;
• ‘cases are non-justiciable under the pol-
itical question doctrine … the adjudica-
tion of these cases before the Court
would conflict with clearly articulated
foreign policy and interfere with inter-
national diplomacy’;
• South Africa views objections as intru-
sion upon its sovereignty: ‘SA has at
every turn urged the US courts not to
adjudicate plaintiff’s claims’; ‘plaintiffs
seek massive monetary penalties on
behalf of the classes they purport to
represent … SA considers it to be a
direct challenge to the reparations pro-
gramme carefully designed by the
post-apartheid government to confront
the legacy of apartheid’; and hence
• the successful prosecution of the case
would disrupt the growth of the South
African economy, undermining econ-
omic stability and deterring foreign
direct investment.

Supplemental memorandums submitted
by IBM, Daimler, Ford, General Motors,
Fujitsu and Barclays develop the argu-
ments, claiming that parent corporations
should not be held liable for the alleged
acts and policies of subsidiaries, which
indeed may have supported the apart-
heid regime. Yet, if 60 per cent of global
trade occurs by way of multinational
internal transfer between parent and sub-
sidiary, and lacks transparency, it is
unclear as to how parent corporations
could mount a case contesting purported
information transfer and hierarchical
management within the parent-subsidi-
ary relationships in question. Apartheid-
era South Africa was, after all, branded
by the international community as a
pariah state perpetrating horrific crimes
against humanity. In this light, all
banking relations on the part of defen-
dants could be interpreted in the context
of financing (state) terrorism (defined as
systematic use of terror as a means of
coercion).
In their supplemental memorandum, Daimler – investors and suppliers of Unimog vehicles, marketed in 1965 as a ‘military vehicle’ (Khulumani et al. 2002, p. 132) distinguished from the civilian version by mountings for arms, bullet-proof tyres and other characteristics – stated that the Ntsebeza Plaintiff’s allegations are insufficient as a matter of law, ‘as they are entirely conclusory, failing to make any effort to tie Daimler-Chrysler Corporation’s purported manufacture of vehicle to any particular harm suffered by any particular plaintiff’ (Daimler Brief 2008). However, the evidence paints a different picture. Khulumani et al. note that in July 1988, Daimler Chrysler leader Joachim Jungbeck boasted to a shareholder meeting:

During a company visit, I was proudly shown aggregates of army vehicles, including huge numbers of axles from armoured vehicles. Store-rooms contained large numbers of engines, axles and transmissions for Unimogs and armoured vehicles of the South African police and army. In between were parts for the armoured vehicle ‘Buffel’. The Buffel was used in the war against Angola and for the occupation and control of black urban settlements. (Khulumani et al. 2002, p.130)

Daimler’s presence in South Africa was marked by a series of collaborations with the apartheid government. In the 1970s, ARMSCOR used the chassis of the Unimog to develop the vehicle that would be used by the army and police to repress the population. One year after the UN Security Council enacted a mandatory arms embargo, Mercedes Benz shipped 6000 Unimog to SA. Corporations directly collaborated with state-owned entities, including well-known entities such as SASOL and ESCOM. As an example, the state-owned Industrial Development Corporation owned 51 per cent of the Atlantis Diesel Engines (ADE) factory; Daimler owned a 12.5 per cent share. With regard to the ADE, Daimler Chairman Jurgen Schrempp stated: ‘The authorities established ADE for strategic reasons’. ADE’s main client was the South African army. Daimler partly owned or maintained shares in several companies that helped maintain the apartheid system, including their 56 per cent capital stock in Allgemeine Elektrizitätsgesellschaft (AEG), whose facilities aided ‘the South African government in its internal security by monitoring the identity and movement of black population …’ (Khulumani et al. 2002, p. 133).

Ultimately, the corporations hoped that the decisive factor in their defence was the active collaboration of former South African Minister of Justice Penuell Maduna. The corporations’ Joint Memorandum (Morrisson and Foerster 2008) drew sustenance from Maduna’s declaration opposing litigation, later resubmitted by his successor, Brigitte Mabandla: ‘Like her predecessor, the current Minister maintains that the responsibility to address the country’s apartheid past … lies with the South African government and not foreign courts’. The corporations also quoted Mbeki: ‘We are not defending the multinationals. What we are defending is the sovereign right of the people to decide their future… I can’t understand why any South African would want to be brought under such judicial imperialism’.

According to Khulumani lawyer Michael Hausfeld: ‘Maduna was instructed by the US government to oppose lawsuits brought in the US against multinational corporations which allegedly benefited from apartheid’. After leaving Mbeki’s Cabinet, Maduna went on to commercially represent the apartheid corporations as lawyer, alongside Democratic Alliance politician Peter Leon (brother of the party’s former leader Tony). Maduna claimed to oppose the reparations lawsuit to protect national sovereignty, yet his declaration deliberately accorded protection to the extra-territorial corporations
that undermined the struggle for freedom during the apartheid era by knowingly financing and sustaining the regime, in direct collaboration with foreign governments. Maduna had taken up this cause in 2003 as a direct result of a letter requesting him, ironically, to invoke ‘SA sovereignty’, from US Secretary of State, Colin Powell (Bond 2006).

In contrast, in August 2005, an Amicus brief filed by the TRC argued that the corporations listed in the Khulumani lawsuit never engaged with the TRC, nor did the multinationals ever apply for amnesty; that the lawsuits against multinationals on the part of private citizens should in no way interfere with the policies and processes of the TRC, nor should they undermine or conflict with the SA Constitution, courts or government; and finally, that private corporations may be held legally and legitimately accountable for apartheid victims, as a matter of civil law. According to advocate Dumisa Ntsebeza, former TRC head of the TRC’s Investigation Unit: ‘The TRC failed as an institution to find the evidence that would show that the role of business was such that they were complicit in South African apartheid. That failure was due to lack of time, lack of resources and lack of full cooperation from big business’ (Duke 2002).

In spite of the post-Mbeki government’s failure to overturn its predecessor’s support for the apartheid corporations, the February 2009 New York court hearing led by Hausfeld seemed to open up a new trajectory. In late 2008, the plaintiffs had honed down their case to a smaller number of corporations. According to Hausfeld associate Molly McOwen (2008):

While the availability of the aiding and abetting theory of liability, Plaintiffs’ First Amended Complaint raises a joint criminal enterprise (‘JCE’) theory. Under the JCE theory, a person may be liable for a crime committed by some aspect of a criminal enterprise if the person acted in furtherance of the criminal enterprise, with knowledge of the nature of that enterprise and the intent to further the criminal purposes of that enterprise. It must be foreseeable that the crimes will be committed by other members of the enterprise. This theory has been relied on in several cases before the International Criminal Tribunal for the former Yugoslavia … Plaintiffs’ factual allegations satisfy this theory, as well. For instance, we allege that Defendant Barclays National Bank was an active participant on the South African Defence Advisory Board through the bank’s director, Basil Hersov. Through this collaboration, as well as Barclays’ continued financing of the apartheid regime, the bank intentionally furthered the South African security forces and their criminal purpose of maintaining and enforcing apartheid. Plaintiffs’ injuries were utterly foreseeable at the hands of the South African security forces, whose violent acts were over a prolonged period of time, to develop computer systems that would run the racial passbook systems. The companies purposefully designed the systems so that they would maximize the efficiency and efficacy of the regime’s enforcement of the pass laws. The companies knew that these activities violated international law. Thus, the companies’ assistance was not only substantial, but it was provided with the knowledge that it was assisting international law violations and with the purpose of perpetuating apartheid (itself an international crime) and the violence necessary to the maintenance of apartheid.

In addition to the aiding and abetting theory of liability, Plaintiffs’ factual allegations satisfy this theory, as well. For instance, we allege that Defendant Barclays National Bank was an active participant on the South African Defence Advisory Board through the bank’s director, Basil Hersov. Through this collaboration, as well as Barclays’ continued financing of the apartheid regime, the bank intentionally furthered the South African security forces and their criminal purpose of maintaining and enforcing apartheid. Plaintiffs’ injuries were utterly foreseeable at the hands of the South African security forces, whose violent acts were
condemned around the world. Thus, Barclays should be found liable under the ATCA under the JCE theory as well as the aiding and abetting theory ...

With respect to both theories of liability – aiding and abetting and JCE – it is important to note that the First Amended Complaint focuses exclusively on the corporate defendants’ substantial assistance to the South African security forces. Plaintiffs are not suing defendants for their general business activities in South Africa during apartheid, or even for their business dealings with the South African government in general. Rather, Plaintiffs have identified the key companies that supplied armaments, military vehicles, computerized racial passbook systems, and financing to the security forces with full knowledge that these strategic military assets would facilitate the maintenance and enforcement of apartheid.

As the plaintiff’s lawyers feared, the judge who replaced Sprizzo (who died in 2008), Shira A. Scheindlin, ruled in April 2009 that banks should be removed from the lawsuit. In the hearing, Hausfeld pointed out that any banks that provide financial services to terrorist organisations today are subject to prosecution. The apartheid state is as obvious a case of a terrorist organisation as any, and thus should also be subject to tort claims.

Khulumani’s strategic retreat, reducing to nine corporations from three dozen, allowed Scheindlin (2009) to rule mostly favourably. She concluded that SA’s TRC Act implicitly recognised the possibility of corporate liability outside the TRC process and hence international comity does not require dismissal. She also cited Stiglitz that the suit ‘will not discourage foreign investors’. That means, now, on the one hand, winning again in the Court of Appeals and Supreme Court is also possible if a slim majority upholds the claims, given that they are narrower than before. But on the other hand, this strategy diminishes the merits of the apartheid profits lawsuit for more general attacks on corporate malfeasance in Africa and elsewhere. (Another possibility, in between, is an out of court settlement, such as that which the German and Swiss firms paid Holocaust victims’ descendants.)

Khulumani describes their amended lawsuit as targeting those ‘companies that did profitable business by (knowingly) equipping the apartheid security agencies with the means of enforcing and sustaining apartheid’. The Khulumani lawsuit ‘asks for compensation for injuries on behalf of individual victims who fall into four classes of victims. The decision regarding compensation would be based on standards established in international law’ (Jobson 2009).

A Common Cause?

Those attacks on the record of malevolent firms and even colonial-era states are at a relatively high level of intensity at present. Other cases include claims by the Herero people against Germany for genocide carried out between 1904–08 (Sarkin 2008), and ATCA cases against firms which despoiled the Niger Delta. For example, the case Bowoto v. Chevron was heard in November 2008 in San Francisco, with Chevron found ‘not liable’ by a district court in a jury trial. The case originated in 1996, when Nigerian armed forces worked closely with Chevron security, a period during which the Nigerian army killed two unarmed Ilaje community members engaged in a sit-in at the firm’s Parabe Platform. Others were permanently injured and indeed tortured by the military. In February, Chevron (whose record profits in 2008 amounted to $23.8 billion) rubbed salt in the Ilaje people’s wounds by seeking reimbursement of $485,000 in legal fees for the case, including $190,000
in photocopying charges (Paddock 2009). The Ilaje plaintiff’s representatives are Earthrights International and lawyer Bert Voorhees. Voorhees remarked of Chevron: ‘They are trying to bring this cost bill as a warning to any other folks who might seek justice’ (Paddock 2009). The case was lost again on appeal on 4 March in the District Court for the Northern District of California, but Voorhees plans another appeal, due to ‘insufficient evidence for the defence verdict, erroneous legal rulings, and prejudicial misconduct by Chevron’s lawyers’.

An impressive network has emerged to support the Ilaje. In addition to Voorhees’ firm and Justice for Nigeria Now, it included EarthRights International, the private law firms of Hadsell Stormer Keeny Richardson & Renick and Siegel & Yee, and Cindy Cohn and the Electronic Frontier Foundation, Robert Newman, Paul Hoffman, Richard Wiebe, Anthony DiCaprio, Michael Sorgen, Judith Chomsky and the Center for Constitutional Rights. Many of these organisations are also supportive of the Movement for the Survival of the Ogoni People, whose leader Ken Saro Wiwa and eight other Ogoni activists were executed by the Abacha regime in November 1995. Shell was kicked out of Ogoniland in mid-2008. Wiwa’s son Ken, brother Owens and others are suing Shell for alleged ‘complicity for human rights abuses against the Ogoni people in Nigeria, including summary execution, crimes against humanity, torture, inhuman treatment, arbitrary arrest, wrongful death, assault and battery, and infliction of emotional distress’ (as stated by Justice in Nigeria Now 2008). In a case filed in 1996, but only going to court on 27 April 2009, Wiwa is invoking not only ATCA but also the Torture Victim Protection Act and Racketeer Influenced and Corrupt Organisations Act. In addition to parallel legal strategies, there is already high-profile public campaigning underway similar to the apartheid reparations campaign.

There are other important legal strategies currently being pursued, including a so far unsuccessful ATCA case (on appeal) by the family of the late Palestine solidarity activist Rachel Corrie against Caterpillar, which supplied the Israeli military with the vehicle that killed Corrie. In Corrie v. Caterpillar, Inc. (2007), the judges ruled that:

Allowing this action to proceed would necessarily require the judicial branch of our government to question the political branches’ decision to grant extensive military aid to Israel. It is difficult to see how we could impose liability on Caterpillar without at least implicitly deciding the propriety of the United States’ decision to pay for the bulldozers which allegedly killed the plaintiffs’ family members.

More promisingly for ‘ecological reparations’ activists, a global warming lawsuit was settled out of court in February 2009 by Friends of the Earth, Greenpeace and the cities of Boulder in Colorado, Arcata in Santa Monica and Oakland in California. Their targets were the US Export-Import Bank and Overseas Private Investment Corporation, which invested, loaned or insured $32 billion in fossil fuel projects from 1990–2003 with no regard to the US National Environmental Policy Act (NEPA). At present, it is only US cities which have formal standing to sue for damages from climate change under NEPA, in the wake of a 2005 federal ruling. However, others – especially in the continent least responsible and most vulnerable to global warming, Africa – may have future recourse, perhaps under ATCA. The defendants agreed to important concessions in the settlement, rather than monetary damages; both will incorporate CO2 emissions into future planning (see http://www.foe.org/climatelawsuit).

While the ecological debt doctrine continues to be built, there is ongoing interest in contestation of Illegitimate and Odious
Debts associated with African dictatorships. In the wake of Ecuador’s January 2009 debt default, this appears to be a promising grassroots pressure discourse, since so many African countries have residual or historic debts associated with the financing of dictators by Western governments and banks. Given the inadequacy of the 2005 G7 finance ministers’ concessions (the Multilateral Debt Relief Initiative) just prior to the G8 meetings in Gleneagles, a movement began to promote a ‘Fair and Transparent Arbitration Process’ (FTAP) which meant to promote cancellation – or if not, then repudiation – of African external debt. The group Afrodad (2009, pp. 2–3) lists several parallel initiatives whose strategic orientation would be consolidated in a March 2009 Johannesburg conference:

i. The Norwegian Government’s (2005) declaration explicitly expresses the intention to support arbitration on illegitimate debts: ‘The Government will support the work to set up an international debt settlement court that will hear matters concerning illegitimate debt’.

ii. The Helsinki Process on Globalisation and Democracy, created at the initiative of the Finnish Government in co-operation with the Tanzanian Government in 2002 also promoted novel and empowering solutions to the dilemmas of global governance.

iii. The Italian Parliament passed a law on debt relief in the summer of 2000, Art. 7 of which requests an examination of present debt management. Under the title International Regulations on Foreign Debt this article reads: The Government will propose, to the relevant international institutions, the starting of the necessary procedures to obtain a ruling from the International Court of Justice on the consistency between the international regulations governing developing countries’ foreign debt and the general framework of legal principles and human and people’s rights.

iv. During a Conference in Uruguay’s Parliament the Montevideo Declaration calling for FTAP was formulated, and signed by Latin American Parliamentarians.

v. The ACP-EU Joint Parliamentary Assembly demanded FTAP in 2000, believing ‘that consideration should be given to the creation of an International Debt Arbitration Panel to restructure or cancel debts where debt service has reached such a level as to prevent the country providing necessary basic social services’.

vi. The High-Level Regional Consultative Meeting on Financing for Development, Asia and Pacific Region (Jakarta, 2–5 August 2000, session 1) called for: ‘There is a need for an international bankruptcy procedure. It should also be ensured that private debt does not become government debt’.

vii. At the African Union’s Experts’ Preparatory Meeting in Dakar 2005, the President of the Republic of Senegal argued that any lasting solution to Africa’s debt crisis must first and foremost be based on an audit – a ‘radioscopy’ – to ‘make known the amount to be repaid’, recognizing the principle that debt should be repaid. This is a clear call to tackle the problem of illegitimate debts and debts that would not exist in the case of debtors in the North where basic legal principles of debtor-creditor relations are respected.

viii. The Outcome document from the International Symposium on Illegitimate External Debt held in Oslo, Norway, 20–23 October 2008 called for Litigation/arbitration: ‘Specific contracts concerning debts exhibiting strong signs of illegitimacy should be considered for referral to arbitration or litigation, with a view to establishing relevant practical precedents’.

ix. Informal summary of the hearings with representatives of civil society and the business sector on financing for development (New York, 18 June 2008) also called for impartial and transparent processes towards resolving debt disputes,
where parties were given equal treatment and judgments were based on impartial evaluation of cases.

x. AFRODAD conducted national and regional FTA campaign launches in 2008, in Nigeria, Democratic Republic of Congo and Kenya, where participants demanded justice through an impartial and transparent process towards resolving debt disputes.

These are mainly elite processes, and suffer from the broader cul-de-sac of global governance paralysis, in which since the Basel Convention on Trade in Toxics (1992) and Montreal Protocol on ChloroFluoroCarbons (1996), there have been no world problems tackled effectively (consider the failed Doha Agenda of the World Trade Organisation, United Nations reform, Bretton Woods democratisation, the Kyoto Protocol). Nevertheless, Afrodad (2009, p. 3) concludes, ‘We are deeply convinced that despite its own weaknesses as a global institution, the UN remains the most suitable place to establish an arbitration court because of its legitimacy across nations’.

In contrast, there are a myriad of other more militant, grassroots-driven strategies presently at work (Bond 2009), exemplified by historic AIDS medicines’ victories against Big Pharma and the US and South African governments by the South African Treatment Action Campaign (TAC) and their international supporters (ACT UP! in the US, Oxfam and Medicines sans Frontiers). These included two crushing 2001 defeats for TAC’s opponents in the courts, including South Africa’s Constitutional Court. Other anti-corporate victories have been claimed by civil society members of the Africa Water Network, especially Accra’s Campaign Against Privatisation and Johannesburg’s Anti-Privatisation Forum and Coalition Against Water Privatisation. In the wake of years of militant protest, the latter groups won an April 2008 High Court victory against the public agency Johannesburg Water (managed from 2001–06 by the giant firm Suez of Paris), resulting in a judgment doubling the universal Free Basic Water allocation to 50 litres per person per day and banning prepayment meters, in a case the state appealed and which is likely to go to the Constitutional Court as well.

It is becoming clear, in such cases, that it is only in the mix of radical social pressure – ‘tree-shaking’ – and the power of the courtrooms – ‘jam-making’ – that the threat to corporations which exploit Africa can be maximised.

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Endnote

1. The suits were led by ‘Khulumani Support Group and 90 others’; ‘Digawamaje et al.’; and ‘Ntsebeza et al.’, subsequently consolidated in a 2007 counter-suit, ‘American Isuzu Motors et al. v Ntsebeza et al.’

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Mozambique: The Panic and Rage of the Poor

Joseph Hanlon

Frightened, poor people in Mozambique have killed Red Cross volunteers, a policemen, neighbours and strangers. In the first three months of 2009, at least 20 people were killed in urban lynchings, three were killed for stealing rain, and 16 people died in violence related to cholera.

Key to all these incidents is desperate poverty and hunger. For a decade Mozambique has been a donor darling for following the neoliberal free market development model, reporting GDP growth rates of 6–7 per cent per year, and claiming dramatic falls in poverty levels. But the claims of reducing poverty have been contested, in part because child malnutrition is rising (Hanlon and Smart 2008, pp. 57–70). ‘The distance between rich and poor is widening’, admitted the Mozambique self-evaluation submitted in February 2009 as part of the African Peer Review Mechanism evaluation of Mozambique. The statement is important, because until now the government and donors have stressed claims for poverty reduction and tried to refute evidence of deepening poverty.

In an accompanying statement, Lourenço do Rosario, president of the National Peer Review Forum, warned that ‘social exclusion and maldistribution of wealth could constitute a space for conflict’. In fact, this conflict is already happening.

In poor urban areas, people live in flimsy houses with no electricity or street lighting, and complain of increasing nighttime crime, often by people armed with knives or machetes: housebreaking, mugging, rape and thefts of food from gardens. They claim that if they turn criminals in to the police, they are quickly released in exchange for a small bribe, so they have taken to dispensing justice...
with their own hands. In 2008 at least 50 people were killed in lynching, but in the first 10 weeks of 2009 the rate had doubled to two a week (Notícias, 13 March 2009). The word 'linchar' has entered into Portuguese for executions by mobs, based on 'lynch' in American English, used for mob killings, particularly of black people in the US south in the nineteenth and twentieth centuries. In Maputo, alleged criminals are killed by necklacing – putting a tyre around their neck, filling it with petrol, and setting it alight – a method used in South African townships in the 1980s against alleged apartheid spies.

The government's own statistics show that urban poverty is increasing. Under the present economic model, the number of formal sector jobs is falling. Large demonstrations in Maputo on 5 February and then four other towns against the high cost of living shocked Mozambique. These demonstrations, organised through text messaging, were led by young people from the informal sector, which blocked roads into the capital, effectively closing Maputo. At least five people were killed and more than 100 injured, many shot by the police. Rogerio Sitoe, editor-in-chief of the government owned daily, Notícias, responded with a remarkable column, arguing that the root cause was 'the religious way we applaud and accept the prescriptions of the World Bank and International Monetary Fund', when these are really 'poison prescriptions'. They have destroyed jobs and failed to promote agricultural development, and this has 'contributed greatly to the impoverishment of the countryside and forced a migration to the cities, particularly of the youth'. The government needs its own development policy and needs to stop treating World Bank and IMF statements as if they were 'bible verses'. A subsequent letter to the editor was published saying the demonstrations were not vandalism, but a strike by the people demanding their rights. A columnist said the demonstrations were useful, because before the riots the elites simply did not understand the economic crisis was not just of the poor, but of the middle classes (Notícias, 15, 18, 19 February 2008).

In a tour of Maputo poor neighbourhoods in mid-March 2009, first lady Maria da Luz Guebuza told young people they had to work harder to make their way in the informal sector. She said that the state pays for teachers and education, after that it is up to young people themselves. But the young responded by saying that unless jobs were created or they were given help to be self-employed, crime would continue to increase (Fauvet, 2009).

Rural Hunger and Cholera

Meanwhile, the crisis is also growing in rural areas. In mid-March the government announced it had a surplus of 75,000 tonnes of maize, but admitted that marketing failures meant that it did not reach areas of hunger. The poor do not have money to buy food, so private traders are not interested in going to remote areas.

In Nicoadala district in Zambezia province, local people are accusing the state of locking up the rain and only giving it to better off farmers. In mid-February three people were killed and six injured, accused of diverting the rain. One farmer was quoted by the Sunday newspaper Domingo as saying: 'In the farm over there, something is growing, but on mine, nothing. How is it that my neighbour can eat and I can't?'

Cholera is endemic in most of Mozambique, with 15,000 cases notified between the start of the most recent outbreak in October 2007 and early 2009. Of those, 170 people died – a mortality rate of 1.1 per cent, which is considered low, and results from an effective cholera identification and treatment programme. But
over the past decade, anti-cholera pro-
grammes have been a source of much
tension in coastal areas of northern Cabo
Delgado and Nampula provinces.

On 6 January 2009 an angry mob burned
down three cholera treatment tents that
had been set up on the beach in Pemba,
Cabo Delgado. The mob also attacked
the houses of the neighbourhood secre-
tary and his deputy, who were forced
to flee to the police station. They were
accused of allowing the tents, to spread
the disease rather than treat it. Confus-
ingly, in subsequent meetings people
from the community accused the munici-
pal authorities of doing nothing to stop
the spread of cholera and of refusing to
come to their community. On 18 January
in Mecúfi, on the coast south of Pemba,
an eight-person anti-cholera brigade was
attacked and beaten – again accused of
spreading the disease.

Then in Quinga, on the coast of Moginc-
ual district in Nampula, on 25 February
2009 two Red Cross volunteers who
were part of a brigade publicising anti-
cholera messages, which include putting
chlorine in wells, were beaten to death,
accused of poisoning the wells with
cholera. Then three days later, in
Angoche district (just south of Moginc-
ual), protestors attacked health workers
and accused them of spreading cholera.
They were already being protected by
the police, so the mob attacked the
police with knives and spears, disembow-
ellelling and killing a police sergeant and
seriously injuring two other policemen.
On the same day in Moma district
(south of Angoche) a mob attacked a com-
munity leader and accused him of putting
cholera in the wells; two policemen pro-
tecting him were hospitalised.

Protests against those accused of spread-
ing cholera continued after the murders
noted above. In Quinga, three people
were arrested but the crowd blocked the
road to prevent them being taken out of
the village; 37 Red Cross volunteers fled.

On 18 March police arrested a number of
people in Quinga and took them to
Liupo, the Mogincual district capital.
Liupo has no court, so they had to be
held until they could be taken to
Angoche to be tried and charged. The
police were clearly frightened by what
had been done to their colleagues in
Moma andangoche, so they pushed 48
people into the tiny single cell in Liupo
police station. Thirteen people died of suf-
focation over night (three senior police
officers from Liupo have been arrested).

Driven by Fear

Coastal Nampula province is one of the
poorest areas of Mozambique. In 1992–
93, Mogincual was the centre of an out-
break of konzo (tropical ataxic neuropa-
thy), an irreversible paralysis of the legs,
and cases have been reported regularly
since then (Ernesto et al. 2002). Cassava
roots contain cyanogenic glucosides
which can cause paralysis if eaten in quan-
tity when the roots are not adequately pro-
cessed; this occurs only in periods of
severe hunger when there is little other
food. In early 2009 it was reported that
hunger was again sweeping the district
due to a poor harvest caused by drought
and cyclone Jokwe in 2008. The Mogincual
district Director of Health said the return
of konzo was ‘inevitable’ (Noticias 27 Feb-
ruary 2009). Fifteen schools in Quinga
closed in the early March 2009 after
10,000 of the 12,000 enrolled primary
school pupils abandoned classes, accord-
ing to Mogincual Education Director
Agostinho Mendes. He said their families
were fleeing the area, mainly due to
hunger, but also because of the cholera
and violence.

On 19 March, the Mozambican Red Cross
(CVM) said that in Quinga people
attacked volunteers riding bicycles and
wearing Red Cross T-shirts ‘because
they suspected they had money’. A
house belonging to one of the murdered
volunteers was burnt down, and two
others were destroyed, the statement said. In addition, bicycles used by the volunteers were stolen, and some were destroyed. In Angoche, 13 houses of Red Cross volunteers were destroyed.

This is a repeat of similar incidents. In September 2006 a mob of 70 people armed with knives and machetes attacked an anti-cholera brigade of Save the Children, accusing them of putting cholera in the wells, in Nacala-a-Velha, again in coastal Nampula province. In December 2001 angry mobs in Nacala-a-Velha and neighbouring Mamba district attacked anti-cholera teams, non-government organisations workers with bicycles and motorcycles, and police. Particularly notable was that they attacked traditional leaders (régalos, mapewé) and local government officials. More than 100 houses were destroyed and at least one person was killed.

Earlier protests in 2001 were studied by Carlos Serra (Serra 2003) in ways that remain highly relevant to the present incidents. Three obvious factors play a role. First the words ‘cholera’ and ‘chlorine’ are very close, in Portuguese as in English. For people who do not have a good understanding of disease mechanisms and only know that cholera comes from the water, the difference between putting cholera or chlorine in the water may not be clear. Second, when heath officials warn that cholera is coming, local people ask: How do they know? The obvious answer is they must be bringing it. Third, this is a area of high tension between the governing Frelimo party and the opposition Renamo, which has some of its strongest support in northern coastal areas. The incidents this year come after a hard-fought local election in November in which the ruling Frelimo party won the three coastal cities of Nampula province, ousting incumbent Renamo mayors.

But the most important and shocking finding of the study was that poor people strongly believed that the rich and powerful wanted to kill them. In a climate of distrust and disempowerment, the poor responded violently against outsiders who they assumed were putting cholera in their water to eliminate them. In interviews in Mamba, local people said that the two main NGOs there, SNV and Save the Children, had not done anything practical to help the people and had failed to carry out their promises. Similarly, local chiefs and government officials were not seen to do anything useful for the people – indeed, they were accused of accepting money from the outsiders who brought the cholera. This whole picture was reinforced when a health worker under attack took refuge in the local SNV office (Serra 2003, pp. 38–40).

The Serra study notes that protests were often led by unemployed youths who saw no future for themselves, and whose actions had the tacit backing of their elders. It became a protest against authority figures – régalos, government officials and NGO workers, who were seen as distant, arrogant and, most importantly, not delivering. The red motorcycles of SNV extension workers, driven dangerously and at high speed though villages, became a strong symbol of arrogance and distance.

The events of 2001 have a number of more recent resonances. The 5 February 2008 riots in Maputo were led by semi-employed youths from the informal sector who, as in Mamba, had the implicit backing of their elders. In their statement in March 2009 on Quinga, the Red Cross highlighted the way the better off, senior figures or those with bicycles, were targeted. The local ‘better off’ in this area are still quite poor, but the hungry see them in league with outsiders who bring cholera.

In his blog, Carlos Serra (8 March 2009) recounts a story from Muidumbe district in Cabo Delgado. Between June 2002 and May 2003, 18 people were lynched – accused of magically commanding
seven lions who ate 46 local people. What he found interesting was that ‘those accused of commanding the lions were all important people – the district administrator, chiefs, members of Frelimo, a local businessman, etc’.

Serra and his team concluded that the protests against chlorine in the water revealed ‘a profound disquiet and lack of confidence in the state’. But the campaign against chlorine in the water was not a campaign against the state or against modernising, but rather just the opposite. It was a protest against a state that had become distanced from the people, which only appeared before elections, and which increasingly failed to provide services and a better standard of living. It was not against modernity, but against the failure to provide the fruits of development.

For Carlos Serra (10 March 2009), lynchings and the cholera and rain riots in the north are all ‘messages of protest’ against insecurity and especially against growing social inequality. He argues that ‘these protests and demonstrations are products of insecurity, uneasiness, and social disequilibrium’, being exercised in culturally ancient forms, expressed in terms of magic and witchcraft. They may seem incoherent, but that ‘hides a terribly coherent logic based around want’. He stresses that despite the attacks on authority and state figures, it is really an appeal for help and for increased state support in these communities. He also predicts that there will be more events like the 5 February 2008 riots in Maputo against price rises.

Modesty Called For

Finally, some modesty is called for on our part. We ‘know’ that chlorine in water helps to prevent the spread of cholera, and thus will ‘know’ that local people were wrong in their belief that putting chlorine in the water was a cause of cholera. But how different is the cholera debate in Nampula from the HIV/AIDS debate in South Africa, in which the President himself, one of the world’s most respected leaders, questioned the wisdom and understanding of the some of the world’s most eminent scientists? Or consider the donors, IMF and World Bank who imposed the neoliberal model and accused those of us who disagreed of being as ‘stupid’ as the peasants opposed to chlorine in water – only to discover after 20 years that neoliberalism brought a world economic crisis instead of development.

Objections to chlorine may be scientifically unfounded, but reflect a well-founded social and political understanding. If a nurse or health post worker normally demands a bribe to provide proper treatment, why should they be trusted when they say they are giving chlorine free? If an arrogant NGO helps only a select few, why should it suddenly be trusted to help the poorest on a key health issue? If government actions have only led to increasing poverty and loss of jobs, why trust the government now? If local chiefs and party secretaries have used their links with the outside to collect taxes and increase their own power, why should they be trusted to help now? The poor have every reason to ask if the sincere priests and health workers and NGO staff sent into rural areas are not just an attempt to build up trust so that the poor can be better exploited. They have every reason to distrust the local leaders who ally themselves with the new outside exploiters.

In a time of hunger when people see no hope of improvement in their lives, perhaps the passive and violent resistance to putting chlorine in local water supplies should be seen as local people making a desperate attempt to regain some power – as a disempowered group finally taking a stand to defend its very survival.
Post-election Kenya: Land, Displacement and the Search for ‘Durable Solutions’

Samir Elhawary

Accusations of irregularities during the December 2007 elections in Kenya sparked widespread violence. Over 1000 people were killed and an estimated 500,000 displaced from their homes. Apart from the immediate humanitarian implications, the economic cost of the crisis was put at over Ksh100 billion (around $1.5 billion). Jobs were lost, and people were unable to harvest or cultivate their farms. Meanwhile, the ethnic character of the violence put Kenya’s coherence as a nation in doubt (Africa Research Institute 2008). These events took the international community by surprise, not least because the country is usually held up as a model of stability in a largely fragile region. Yet violence and displacement accompanied elections throughout the 1990s, with some commentators warning of future instability if the underlying causes of this violence were left unresolved (IDMC 2006). Central to both past and current upheavals have been long-standing disputes over land ownership.

Post-election Violence, Displacement and the Humanitarian Response

The violence began when Kibaki’s Party of National Unity (PNU) declared victory in the elections. The opposition Orange Democratic Movement (ODM) claimed widespread irregularities and fraud, sparking rioting across the country between supporters of the rival parties. The unrest enabled some groups to act on long-standing grievances over land, and forcible appropriation has led...
to large-scale displacement, particularly in the Rift Valley and western Kenya.

Estimates of the number of IDPs at the height of the crisis stood at around 500,000, although patterns of displacement are fluid and accurate data was difficult to obtain. What seems clear is that many of the displaced – perhaps as many as half – were not in camps, but sought refuge with host families, often in their so-called ‘ancestral homelands’. This group of IDPs included landowners and farmers from the Rift Valley who fled to nearby towns and camps; migrant workers from the Rift Valley and Central Province, who moved back towards western Kenya; and urban dwellers and business owners from main cities such as Nairobi, Kisumu, Eldoret, Nakuru and Naivasha (OCHA 2008). These are in addition to pre-existing IDPs displaced by clashes during the 1990s, mainly located in Molo, Kuresoi, Burnt Forest and Mount Elgon. A further 12,000 refugees fled across the border into Uganda.

The Kenyan government led the humanitarian response through the Ministry of Special Programmes (MoSP). Within the ministry the National Disaster Operations Centre acted as the coordinating agent, with the Kenyan Red Cross (KRCS) the official implementing partner. The government’s response was supported by international organisations, with an Emergency Humanitarian Response Plan launched in April 2008 for US$207 million (UN 2008). There was also a concerted response by civil society organisations, particularly Church associations such as the National Council of Churches of Kenya (NCCCK), which has historically played a significant role in assisting IDPs.

The basic needs of those that were displaced in camps, in terms of protection, food, education, health, water and sanitation, were largely met, although the humanitarian response suffered from a lack of access due to insecurity, with roadblocks delaying the provision of relief. There were some reports of national staff being targeted because of their ethnicity. Sexual exploitation, mainly of women and children, was also widely noted, in the camps and elsewhere (IRIN News 2008). Furthermore, with the passage of time and the arrival of the rainy season, concerns were raised over conditions in some of the camps. The fate of displaced people outside the camps was – and to a certain extent remains – unclear. Accurate data do not exist and there is no systematised mechanism to identify, locate and assess their needs and intentions. This is a significant failing by the government and the humanitarian community.

For many displaced people, the concern remained security in home areas: they felt unable to return until the government addressed this issue, both in terms of physical security and in its wider socioeconomic and legal sense. Unless the underlying causal factors of displacement are addressed, the prospects for durable solutions will remain bleak and conditions could deteriorate and see a relapse of violence. Here, resolving disputes over land must play a central role.

The Land Question and Displacement in Kenya

Internal displacement is a recurring theme in Kenya’s recent history. During the colonial period, British land policy favoured white settler agriculture, entailing the dispossession of many indigenous communities’ land (mainly the Kalenjin, Maasai and Kikuyu) across the Rift Valley and Nyanza, Western and Central provinces – the so-called White Highlands (Kanyinga et al. 2008). This process was legalised with the implementation of an individual freehold title registration system at the expense of customary mechanisms of land tenure (KLA 2004a). The land grievances that this colonial dispossession gave rise to were aggravated by Jomo Kenyatta’s independent
government. Kenyatta maintained the system of freehold land titles and did not question how the land had been acquired. To compensate the displaced, the government began a series of resettlement schemes based on a market system, but favoured those with the financial means to acquire land (KLA 2004b). Meanwhile, corruption and ethnic politics supported patronage networks and favoured certain communities, particularly the Kikuyu, who settled in the fertile areas of the Rift Valley, at the expense of others, such as the Luo, the Maasai and the Kalenjin.

These land tensions were further exacerbated by Kenyatta’s successor as president, Daniel arap Moi. In response to the political threat posed by the advent of multi-party politics in the 1990s, Moi (a Kalenjin) sought to portray the opposition as Kikuyu-led, and multi-party politics as an exclusionary ethnic project to control land (Klopp 2006). This entailed evoking majimboism, a type of federalism that promotes provincial autonomy based on ethnicity. To recover ‘stolen’ land, Kikuyu were evicted from the areas they had settled in the Rift Valley and western Kenya (Kamungi 2007). Associated clashes throughout the 1990s left thousands dead and over 350,000 displaced, allowing Moi to gerrymander elections in 1992 and 1997 (Klopp 2006). Rampant land-grabbing further undermined customary mechanisms of land governance, while growing hardship among the majority poor and rapid population growth increased pressure on the country’s arable land.

The displacement crisis following the 2007 elections is thus not an anomaly; rather, it is part of a sequence of recurrent displacements stemming from unresolved and politically aggravated land grievances, in a context of population growth, poor governance and socio-economic insecurity. Simply focusing on facilitating the return of people displaced in the most recent crisis, in the absence of efforts to address the underlying structural causes, risks creating the conditions for further rounds of violence and fresh displacement.

Humanitarians and Land

Humanitarians have a poor track record when confronted with land issues. Agencies have often lacked an adequate understanding of these issues (ownership, access and use), and have tended to dismiss the problem as too complex, politically sensitive or simply outside their remit (Pantuliano 2009). This is troubling as conflicts over land often drive complex emergencies, particularly in agrarian societies were land is central to livelihoods. Forced displacement and appropriation can be a means to reward allies, acquire or secure access to resources, manipulate elections or create ethnically homogenous areas (de Waal 2009). Even where land is not a central driver, secondary conflicts can emerge, particularly if there is protracted displacement and land is occupied opportunistically. The result is often overlapping or competing land rights and claims, lost or destroyed documents, lack of adequate housing stock and increased land pressure, often in the absence of an institutional framework that can effectively resolve these conflicts (Huggins 2009).

Policy responses usually favour returning populations to their areas of origin or habitual residence and the restitution of land and property. Often, however, displaced people have no land to return to, or are unable to access their properties. They may have had no alternative but to occupy someone else’s land, or they may be in direct competition for land with other groups, including the state (Alden Wily 2009).

These shortcomings stem from the manner in which the humanitarian community conceptualise emergency contexts. They are understood as a breakdown or temporary aberration from a
pre-conceived state of normality in which it is the role of aid agencies to provide palliative relief until there is a perceived return to that normality (Duffield 2007). In terms of forced displacement, once a conflict is deemed to have ended or a peace agreement signed, humanitarians seek to return and reintegrate those that fled to their areas of origin. Yet the relationship between war and peace is fluid; peacetime can often be characterised by different types of violence such as sexual violence or an increase in homicide rates. Peace does not necessarily lead to emancipation or freedom from exploitation and may actually be characterised by a structural violence that reinforces grievances and can lead to further conflict or a return to war. Therefore, simply returning to what was conceived to have existed before the war can reinforce these structures of violence and recreate the conditions that originally led to the outbreak of war or large-scale political violence. As David Keen (2008, p. 186) asserts, ‘we need to ask whose peace? Peace on what terms? Peace in whose interest? Peace negotiated by which individuals or groups?’

The government and humanitarian community need to ask these questions in the post-election Kenyan context to ensure that any search for durable solutions for the displaced tackle some of the underlying causes of conflict. Returning to pre-election Kenya without resolving key grievances will simply sow the seeds for future violence and displacement.

The Search for ‘Durable Solutions’

Despite continuing political uncertainty after the power sharing agreement, the Kenyan government called for those displaced by the post-election violence to return to their homes. In order to support this process, Operation Rudi Nyumbani (Return Home) was launched in which a fund of Ksh1bn ($15 million) was established, with the international community asked to contribute a substantially larger amount. The fund was administered by the newly created Mitigation and Resettlement Unit within the MoSP. In this endeavour, the government has sought to increase physical security in the areas from which people were displaced, rehabilitate key services, provide assistance for the first three months of return and promote and engage in reconciliation activities (NAIC 2008).

The government has pledged to adhere to international guiding principles on IDP return, resettlement and reintegration. In addition, the Inter-Agency Standing Committee (IASC) has developed a framework designed to ensure a ‘durable solution’, covering return, relocation (settlement in another part of the country, including movement to ethnically homogeneous areas or so-called ‘ancestral homelands’, where the IDP has links to extended family or to an identifiable ethnic group) and local integration in areas of refuge (IASC 2008). As is usually the case in situations like this, the preferred option, for the government, donors and the humanitarian community, is the return of the displaced to their areas of former residence. This is seen as less controversial than other options, which might lead to significant changes in the structure of a society, and is a visible and quantifiable process. Furthermore, it is in line with international standards such as the Principles on Housing and Property Restitution for Refugees and Displaced Persons (the Pinheiro Principles), which call for the restitution of land and property to the displaced.

In an attempt to show that the crisis would be over quickly, the government estimated that all IDPs would return in 100 days. Predictably, this did not occur, but since February 2008 the government estimates that over 290,000 IDPs have left the camps; however, many have not
returned to their homes and are currently residing in transit camps, often located in proximity to their farms or contain an area of land that IDPs can cultivate (OCHA 2009). There are an estimated 42,574 IDPs living in these transit sites, many of which lack basic services, but nonetheless may become permanent settlements if their displacement becomes protracted. The fate of those that did not flee to camps is uncertain, although there are reports from agencies that many host families are unable to continue supporting their needs and there are fears that the displaced may start making claims on their land.

The main obstacles to return are continuing insecurity and uncertainty around the resolution of key land grievances. Some IDPs have spontaneously formed community lobby groups to pressure the government in supporting durable solutions. They are calling for preconditions, such as assurances on security, systems to compensate for or restore lost property and measures to ensure that land issues are resolved. Many IDPs, particularly those with no, lost or destroyed titles, are sceptical that such conditions will be met, and are asking to be resettled in alternative sites, including in main urban areas such as Nairobi.

Given the complex conditions IDPs have placed on their return, pushing for a rapid return is both unfeasible and unhelpful, and can potentially lead to some being returned against their will. Nor does such a rapid response allow time to instigate the processes needed to ensure a viable, durable return. Even if the conditions for return are deemed to be in place, such a process should not be framed as a durable solution but rather a temporary measure until such time as clear processes are established to tackle unresolved land issues and other related grievances. In order to be sustainable, such processes must enjoy the support of leading local and national politicians.

The alternatives to return outlined in the IASC framework are relocation and local integration. IDPs who do not have land or who are too traumatised to return seem to favour resettlement on alternative sites, but this is a complex process and cannot be considered durable unless accompanied by a resolution of the land question more broadly. In any case, resettlement may simply aggravate existing land grievances, particularly in areas such as Central and Nairobi provinces, where population density is high and land scarce. Furthermore, solely focusing on those that have been recently displaced, as is currently the case among both the government and the humanitarian community, will create resentment among long-term IDPs (including the wider landless), who have been waiting many years to be resettled and are currently living in very difficult conditions.

Relocating IDPs to so-called ‘ancestral homelands’ is of particular concern. While this may offer a temporary refuge for communities that have retained strong ties with their extended families, many host families are starting to reject the continued presence of displaced people for fear that they will make claims on their land. Resettlement in areas of ethnic kinship also sets a dangerous precedent as it implicitly supports the goals of those engaged in violence and displacement as a means of ethnically cleansing certain regions. It also fails to take into account that the concept of ‘ancestral homeland’ is often an artificial construction of the colonial state, rather than a reflection of historical rootedness (Lonsdale 2008). Ethnicity is not a static, homogenous entity, but rather a fluid concept subject to generations of intermarriage. Any efforts to return IDPs to presumed ‘homelands’ would need to determine which communities actually belong to certain areas, and how far back in history one would need to go to find this out, a process that would surely further divide Kenya’s
communities and could even threaten the country’s cohesion.

The third possibility – integrating the displaced in the areas where they have sought refuge – depends on their characteristics and the willingness of both the displaced and host communities to accept integration. In reality, pressures on local resources are already high, and integrating IDPs in rural areas is probably not going to be feasible. In the towns and cities unemployment is a serious concern, particularly among young people, and access to land and housing is already inadequate. Despite these problems, if the political process stalls and land issues are not effectively tackled, urban migration will probably further accelerate, which means that the government and humanitarian agencies must prepare to support integration in urban areas. These efforts need to be linked with the government’s wider recovery strategy, which aims to improve services in slum areas and increase employment opportunities, and must be carried out in partnership with development agencies concerned with tackling the wider problems of socio-economic insecurity in the urban peripheries where the bulk of IDPs live. Questions of land tenure also demand attention: many of the displaced squat in public buildings or other public spaces, threatening the informal property interests of the existing urban poor (Alden Wily 2009). The expertise of development agencies engaged in urban planning is increasingly needed to support measures to secure tenure for the displaced and the wider population of concern.

Any solution to displacement, whether temporary or durable, must enjoy the active participation of Kenyan civil society, particularly the faith-based organisations that have historically played an important role in supporting IDPs (Klopp 2006). These groups are important stakeholders in promoting dialogue, reconciliation and peace-building activities; and they bring important pressure to bear on the government to effectively deal with the issues outlined in the political agreement between Kibaki and Odinga. These include a commitment by the government to resolve historical grievances, including land issues. A draft Land Policy has been developed in this regard, although its final content and adoption remains a contentious issue in Parliament. Furthermore, there are questions concerning where the resources will come from for its implementation and whether the government has the political will to reverse much of the land-grabbing that has taken place in the last few decades; many of the politicians implicated are still in positions of power. Pressure from civil society will be essential in shaping and driving this agenda forward.

Conclusion

Land issues are central to the dynamics of forced displacement in Kenya, with significant implications for humanitarian and recovery interventions that aim to support durable solutions in the aftermath of the violence that followed the 2007 elections. Even before the latest crisis, grievances over land had generated over 350,000 IDPs. Displacement is thus not a new phenomenon, and portraying return as a durable solution in the absence of clear processes to resolve the underlying causes risks embedding the conditions for further violence in the future. If a durable solution is to be achieved, historical grievances must be acknowledged and effectively addressed (Klopp 2002).

Indeed, although many of these grievances have been acknowledged, it is not yet clear whether adequate processes will be put in place to address them and whether there is sufficient political will to drive this agenda forward. As a result, many local communities oppose the return of displaced people and
displaced people themselves are not keen to return to contested areas. The possibility of coerced return raises clear protection concerns, particularly given the government desire to ‘resolve’ the displacement problem as rapidly as possible. The humanitarian community should be very cautious about facilitating return in the absence of adequate physical and socio-economic security. Well-informed advocacy, which incorporates land tenure expertise, is required to encourage the government to meet its obligations to ensure that the conditions for return are in place. If such processes are to represent a truly durable solution, they must be accompanied by an acknowledgement of historical grievances and the need for reconciliation processes. In the absence of such change, it is imperative that the humanitarian community monitors the fate of IDPs after their return, to ensure that their rights are protected and their needs are met, and not simply forgotten amongst the needs of the wider poor.

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Endnotes

1. The KRCS estimated there were 268,330 IDPs residing in camps, although it is widely believed among aid agencies that there were an equivalent number residing outside camps. See KRCS Operations Update, 29 February 2008, available from: http://www.kenya-redcross.org/highlights.php?newsid=61&subcat=1

2. The guiding principles on internal displacement are a set of principles based on international humanitarian law and human rights instruments to guide governments and international agencies in the provision of assistance and protection to IDPs.


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Apartheid Reparations and the Contestation of Corporate Power in Africa

Patrick Bond & Khadija Sharife

The joint activist and juridical movement for reparations against corporations that profited from apartheid is finally making progress within the generally hostile US judicial system, using the ‘Alien Tort Claims Act’ and public pressure. By way of an update on the struggle, this briefing first reviews the core evidence presented by plaintiffs representing tens of thousands of black South African victims of apartheid (Khulumani et al. 2002), considers the rebuttals by corporations (Morrisson and Foerster 2008), and then turns to an update on the apartheid lawsuit and similar initiatives which demand that the ‘historical debt’ associated with oppression be repaid by those who profited, with interest.

Apartheid profits

To what extent did transnational corporations not only profit from but also sustain the apartheid regime? As one of white South Africa’s most notorious leaders, John Vorster, once proclaimed: ‘Each bank loan, each new investment is another brick in the wall of our continued existence’ (cited in Khulumani et al. 2002, p. 78). In 1980, his successor P.W. Botha appointed corporate representatives from Barclays, Standard Bank, Anglo American and other firms to serve on the Defence Advisory Board (DAB), a group that was instrumental in securing corporate support for apartheid policies. Botha told the House of Assembly:

We have obtained some of the top business leaders in South Africa to serve on the DAB in order to advise me from the inside, not only about the armaments industry, but also about the best methods to be applied within the Defence Force... I want to unite the business leaders of South Africa, representative as they are, behind the South African Defence Force. I think I have succeeded in doing so. (Cited in Khulumani et al. 2002, p. 79)

This collaboration, integral to the existence of the apartheid state, was acknowledged by Barclays chairman Sir Frederic Seebohm:

There are one or two identifiable political groups in [South Africa] who are bent on destroying our society in order to impose their own minority ideologies on the rest of us ... One of their objects is to bring about bloody revolution and they see in South Africa a chance to do just this. They believe fervently in a policy of destruction, which is the policy of an empty mind and those who have opted out of civilised society. (cited in First et al. 1972)

Similarly, the post-apartheid Truth and Reconciliation Committee (TRC) found that

business was central to the economy that sustained the South African state during the apartheid years. Certain businesses, especially the
mining industry were involved in helping to design and implement the apartheid policies. Other business benefited from cooperating with the security structures of the former state. Most businesses benefited from operating in a racially structured context. (Khulumani et al. 2002, p. 156)

Banks, including Barclays, Citicorp, Dresdner and Commerz, provided the interface, acting as intermediaries between the licit and illicit, financing and sustaining corporations and the regime. According to an article published in *The Nation* in 1976, ‘South Africa is borrowing heavily to finance massive development projects and boost its defence spending … It is hard to imagine where it would be right now without borrowed funds’. In 1979 the Chairperson of the UN Special Committee against Apartheid charged Citigroup for supplying one-fifth of the $5 billion inflow that bolstered apartheid in the months following the Soweto uprising. As late as 1989, *Newsday* headlined a report, ‘Citibank under Fire: Loan Terms seen as Aid to Pretoria’. The New York newspaper revealed that the bank rescheduled outstanding loans of $660 million on lenient terms. The same year, $8 billion in loans were refinanced, negotiated by Barclays, Dresdner, Deutsche and UBS (Khulumani et al. 2002, p. 115).

Basil Hersov, former head of Barclays during the apartheid era, served on Botha’s DAB. Barclays was listed by the UN as providing one of nine major loans to the SA government and its corporations, totalling $478 million ‘in which Barclays played a leading role’. In 1976, Barclays acquired one-eighth of all South African Defence Bonds, directly financing the armed forces. Bob Aldworth, Barclays Managing Director described it as ‘part of (Barclays) social responsibility to the country’. In 1979, the company would underwrite and purchase shares in the state oil company, Sasol, the latter being set up to subvert sanctions through coal-to-oil conversions (Khulumani et al. 2002, p. 113).

To summarise, the corporate role in South African racial oppression was so substantial that even US president Ronald Reagan’s 1985 Executive Order implicitly acknowledged the support US firms gave the apartheid state.

The EO will put in place a set of measures designed and aimed against the machinery of apartheid. These steps include a ban on all computer exports to agencies involved in the enforcement of apartheid and to the security forces; a ban on loans to the South African Government … (Reagan 1985)

However, moving from such clear evidence to a formal finding of a ‘tort’ requiring reparations payments, as in the case of the Holocaust survivors who sued European corporations in the US courts, would not be easy.

**The Corporate Defence**

Post-apartheid political discourse has been characterised by a ‘talk left walk right’ strategy in which anti-corporate rhetoric offered by the African National Congress occasionally emerges within a prevailing corporate and neoliberal discourse (Bond 2006). This admixture of left and right political references has provided space for the South African government to disapprove of claims for historic justice against multinationals that worked closely with the apartheid system through progressive/nationalist references, invoking alleged ‘judicial imperialism’.

This basic problem was discovered by South Africans who utilised the US Alien Tort Claims Act (ATCA) in seeking compensation to be awarded against apartheid profits. The ATCA has recently been employed in some high-profile
international cases. In 1997, Holocaust Litigation cases were filed under ATCA against Swiss banks, and ultimately settled out of court for $1.25 billion. Other ATCA cases settled out of court included victims of Burmese junta repression allegedly aided by Unocal and Yahoo! which allegedly turned over private information to the Chinese state, resulting in the imprisonment of Internet users. In 2002, South African activists including Dennis Brutus and Lungisile Ntsebeza, as well as the Khulumani Support Group for apartheid victims and Jubilee South Africa, used the ATCA to sue dozens of multinational corporations operating in South Africa during apartheid.1

Because the Bush Administration persuaded SA President Thabo Mbeki to oppose the plaintiffs in mid-2003 (cited in Bond 2006), New York Southern Circuit Judge John Sprizzo ruled the case in favour of the corporate defendants in November 2004. Sprizzo argued that the ATCA was trumped by US foreign policy and South African domestic economic policy considerations. However, three years later, in October 2007, litigants won an appeal in the Second Circuit Court, which found that ‘in this Circuit, a plaintiff may plead a theory of aiding and abetting liability [for international crimes such as apartheid] under the ATCA’ (McOwen 2008). This too was appealed, and in May 2008, the conservative US Supreme Court was expected finally to kill the lawsuit on behalf of the corporations. However, four of the justices discovered conflicts of interest in their own investment portfolios (they owned shares in the sued companies), and so the Supreme Court had no choice but to pass the case back to the New York courts, which in February 2009 held another hearing on a corporate motion to dismiss.

In the corporations’ defence, a ‘Memorandum of Law in Support of the Defendant’s Joint Motion to Dismiss’ filed by Daimler AG, Ford Motor Company, Barclays Bank, International Business Machines Corp., Fujitsu Ltd. and UBS (Morrison and Foerster 2008), offers numerous rationalisations:

- the plaintiffs fail to ‘state a claim cognisable under the (tort statute) grant of jurisdiction’ violating the laws of nations or a treaty of the US;
- ‘aiding and abetting international law violations are not actionable under the statute’;
- ‘allegations of aiding and abetting the apartheid government do not state a claim because doing business with apartheid South Africa did not violate international law’;
- ‘no defendant is alleged to have been involved in the promulgation or enforcement of the laws by which apartheid was administered (or) alleged to have committed torture, genocide or extrajudicial killing’;
- ‘complaints are composed almost exclusively of allegations concerning the sale of automotive vehicles and computers, and the loans of funds to parties in South Africa – conduct that is not and has never been in violation of international law’;
- international law ‘never imposed obligation on defendants to divest’;
- ‘none of the defendants’ home countries ever prohibited South African commerce altogether’;
- the UN Resolutions were limited to ‘intense debates over whether to prohibit commerce with South Africa’;
- the UN General Assembly is not a ‘law-making body’ but exists instead for purposes of ‘political discussion’ which is at best ‘merely advisory’;
- various resolutions, e.g. UN Security Council Res. 569 (1985), were not binding on member states or corporations and resolutions did not specifically single out the manufacturers of armaments and military vehicles, the technology corporations or the banks;
- ‘accessorial liability’ and ‘substantial assistance’ could not be proved,
reiterating the words of Judge Katzmann who concluded that the plaintiffs must prove ‘practical assistance . . . with the purpose’ and intent of facilitating the commission of primary violations;

- the tort statute is interpreted (and constrained) by ‘specificities comparable to 18th century paradigms related to piracy etc;
- the tort statute’s jurisdiction does not extend to the extraterritorial nature/conduct of multinationals in foreign nations, and that it was never intended to be used applied outside US borders;
- international law does not recognise corporate liability with jurisdiction extending to natural persons only, further highlighting that no international court has ever found a corporation guilty of ‘violating a norm of international law’;
- the tort statute does not contain a statute of limitations, hence the defendants borrow the ten year limitation of the Torture Victim’s Protection Act, to dismiss the claims;
- there is ‘no basis for tolling the limitations period . . . to overcome their failing to bring suit so many years after Mandela’s election . . .
- Khulumani’s claims do not relate back as initially, the suit was materially different (deliberate on the part of Khulumani’s counsel), who have only this year switched to ‘class action’;
- Khulumani lacks associational standing, for ‘the presence of the individual members – the real parties in interest – is required . . . importantly to avoid the risk of duplicative litigation’;
- ‘Khulumani (KSG) lacks standing to sue on its own behalf’, and as for claims that KSG incurred expenses via voluntary expenditure on victims’ behalf, the defendants maintain, ‘this type of derivative claim could only be based on equitable subrogation, which is not available to volunteers’;
- ‘Judgment in favour of plaintiffs would subvert the democratic decisions of those countries to permit, – and indeed, to encourage, regulated commerce in and with apartheid South Africa’;
- ‘cases are non-justiciable under the political question doctrine . . . the adjudication of these cases before the Court would conflict with clearly articulated foreign policy and interfere with international diplomacy’;
- South Africa views objections as intrusion upon its sovereignty: ‘SA has at every turn urged the US courts not to adjudicate plaintiff’s claims’; ‘plaintiffs seek massive monetary penalties on behalf of the classes they purport to represent . . . SA considers it to be a direct challenge to the reparations programme carefully designed by the post-apartheid government to confront the legacy of apartheid’; and hence
- the successful prosecution of the case would disrupt the growth of the South African economy, undermining economic stability and deterring foreign direct investment.

Supplemental memorandums submitted by IBM, Daimler, Ford, General Motors, Fujitsu and Barclays develop the arguments, claiming that parent corporations should not be held liable for the alleged acts and policies of subsidiaries, which indeed may have supported the apartheid regime. Yet, if 60 per cent of global trade occurs by way of multinational internal transfer between parent and subsidiary, and lacks transparency, it is unclear as to how parent corporations could mount a case contesting purported information transfer and hierarchical management within the parent-subsidiary relationships in question. Apartheid-era South Africa was, after all, branded by the international community as a pariah state perpetrating horrific crimes against humanity. In this light, all banking relations on the part of defendants could be interpreted in the context of financing (state) terrorism (defined as systematic use of terror as a means of coercion).
In their supplemental memorandum, Daimler – investors and suppliers of Unimog vehicles, marketed in 1965 as a ‘military vehicle’ (Khulumani et al. 2002, p. 132) distinguished from the civilian version by mountings for arms, bullet-proof tyres and other characteristics – stated that the Ntsebeza Plaintiff’s allegations are insufficient as a matter of law, ‘as they are entirely conclusory, failing to make any effort to tie Daimler-Chrysler Corporation’s purported manufacture of vehicle to any particular harm suffered by any particular plaintiff’ (Daimler Brief 2008). However, the evidence paints a different picture. Khulumani et al. note that in July 1988, Daimler Chrysler leader Joachim Jungbeck boasted to a shareholder meeting:

During a company visit, I was proudly shown aggregates of army vehicles, including huge numbers of axles from armoured vehicles. Store-rooms contained large numbers of engines, axles and transmissions for Unimogs and armoured vehicles of the South African police and army. In between were parts for the armoured vehicle ‘Buffel’. The Buffel was used in the war against Angola and for the occupation and control of black urban settlements. (Khulumani et al. 2002, p.130)

Daimler’s presence in South Africa was marked by a series of collaborations with the apartheid government. In the 1970s, ARMSCOR used the chassis of the Unimog to develop the vehicle that would be used by the army and police to repress the population. One year after the UN Security Council enacted a mandatory arms embargo, Mercedes Benz shipped 6000 Unimog to SA. Corporations directly collaborated with state-owned entities, including well-known entities such as SASOL and ESCOM. As an example, the state-owned Industrial Development Corporation owned 51 per cent share. With regard to the ADE, Daimler Chairman Jurgen Schrempp stated: ‘The authorities established ADE for strategic reasons’. ADE’s main client was the South African army. Daimler partly owned or maintained shares in several companies that helped maintain the apartheid system, including their 56 per cent capital stock in Allgemeine Elektrizitatsgesellschaft (AEG), whose facilities aided ‘the South African government in its internal security by monitoring the identity and movement of black population …’ (Khulumani et al. 2002, p. 133).

Ultimately, the corporations hoped that the decisive factor in their defence was the active collaboration of former South African Minister of Justice Penuell Maduna. The corporations’ Joint Memorandum (Morrison and Foerster 2008) drew sustenance from Maduna’s declaration opposing litigation, later resubmitted by his successor, Brigitte Mabandla: ‘Like her predecessor, the current Minister maintains that the responsibility to address the country’s apartheid past … lies with the South African government and not foreign courts’. The corporations also quoted Mbeki: ‘We are not defending the multinationals. What we are defending is the sovereign right of the people to decide their future… I can’t understand why any South African would want to be brought under such judicial imperialism’.

According to Khulumani lawyer Michael Hausfeld: ‘Maduna was instructed by the US government to oppose lawsuits brought in the US against multinational corporations which allegedly benefited from apartheid’. After leaving Mbeki’s Cabinet, Maduna went on to commercially represent the apartheid corporations as lawyer, alongside Democratic Alliance politician Peter Leon (brother of the party’s former leader Tony). Maduna claimed to oppose the reparations lawsuit to protect national sovereignty, yet his declaration deliberately accorded protection to the extra-territorial corporations.
that undermined the struggle for freedom during the apartheid era by knowingly financing and sustaining the regime, in direct collaboration with foreign governments. Maduna had taken up this cause in 2003 as a direct result of a letter requesting him, ironically, to invoke ‘SA sovereignty’, from US Secretary of State, Colin Powell (Bond 2006).

In contrast, in August 2005, an Amicus brief filed by the TRC argued that the corporations listed in the Khulumani lawsuit never engaged with the TRC, nor did the multinationals ever apply for amnesty; that the lawsuits against multinationals on the part of private citizens should in no way interfere with the policies and processes of the TRC, nor should they undermine or conflict with the SA Constitution, courts or government; and finally, that private corporations may be held legally and legitimately accountable for apartheid victims, as a matter of civil law. According to advocate Dumisa Ntsebeza, former TRC head of the TRC’s Investigation Unit: ‘The TRC failed as an institution to find the evidence that would show that the role of business was such that they were complicit in South African apartheid. That failure was due to lack of time, lack of resources and lack of full cooperation from big business’ (Duke 2002).

In spite of the post-Mbeki government’s failure to overturn its predecessor’s support for the apartheid corporations, the February 2009 New York court hearing led by Hausfeld seemed to open up a new trajectory. In late 2008, the plaintiffs had honed down their case to a smaller number of corporations. According to Hausfeld associate Molly McOwen (2008):

> While the availability of the aiding and abetting theory of liability, Plaintiffs’ First Amended Complaint raises a joint criminal enterprise (‘JCE’) theory. Under the JCE theory, a person may be liable for a crime committed by some aspect of a criminal enterprise if the person acted in furtherance of the criminal enterprise, with knowledge of the nature of that enterprise and the intent to further the criminal purposes of that enterprise. It must be foreseeable that the crimes will be committed by other members of the enterprise. This theory has been relied on in several cases before the International Criminal Tribunal for the former Yugoslavia … Plaintiffs’ factual allegations satisfy this theory, as well. For instance, we allege that Defendant Barclays National Bank was an active participant on the South African Defence Advisory Board through the bank’s director, Basil Hersov. Through this collaboration, as well as Barclays’ continued financing of the apartheid regime, the bank intentionally furthered the South African security forces and their criminal purpose of maintaining and enforcing apartheid. Plaintiffs’ injuries were utterly foreseeable at the hands of the South African security forces, whose violent acts were over a prolonged period of time, to develop computer systems that would run the racial passbook systems. The companies purposefully designed the systems so that they would maximize the efficiency and efficacy of the regime’s enforcement of the pass laws. The companies knew that these activities violated international law. Thus, the companies’ assistance was not only substantial, but it was provided with the knowledge that it was assisting international law violations and with the purpose of perpetuating apartheid (itself an international crime) and the violence necessary to the maintenance of apartheid.

In addition to the aiding and abetting theory of liability, Plaintiffs’ First Amended Complaint raises a joint criminal enterprise (‘JCE’) theory. Under the JCE theory, a person may be liable for a crime committed by some aspect of a criminal enterprise if the person acted in furtherance of the criminal enterprise, with knowledge of the nature of that enterprise and the intent to further the criminal purposes of that enterprise. It must be foreseeable that the crimes will be committed by other members of the enterprise. This theory has been relied on in several cases before the International Criminal Tribunal for the former Yugoslavia … Plaintiffs’ factual allegations satisfy this theory, as well. For instance, we allege that Defendant Barclays National Bank was an active participant on the South African Defence Advisory Board through the bank’s director, Basil Hersov. Through this collaboration, as well as Barclays’ continued financing of the apartheid regime, the bank intentionally furthered the South African security forces and their criminal purpose of maintaining and enforcing apartheid. Plaintiffs’ injuries were utterly foreseeable at the hands of the South African security forces, whose violent acts were
condemned around the world. Thus, Barclays should be found liable under the ATCA under the JCE theory as well as the aiding and abetting theory... With respect to both theories of liability – aiding and abetting and JCE – it is important to note that the First Amended Complaint focuses exclusively on the corporate defendants’ substantial assistance to the South African security forces. Plaintiffs are not suing defendants for their general business activities in South Africa during apartheid, or even for their business dealings with the South African government in general. Rather, Plaintiffs have identified the key companies that supplied armaments, military vehicles, computerized racial passbook systems, and financing to the security forces with full knowledge that these strategic military assets would facilitate the maintenance and enforcement of apartheid.

As the plaintiff’s lawyers feared, the judge who replaced Sprizzo (who died in 2008), Shira A. Scheindlin, ruled in April 2009 that banks should be removed from the lawsuit. In the hearing, Hausfeld pointed out that any banks that provide financial services to terrorist organisations today are subject to prosecution. The apartheid state is as obvious a case of a terrorist organisation as any, and thus should also be subject to tort claims.

Khulumani’s strategic retreat, reducing to nine corporations from three dozen, allowed Scheindlin (2009) to rule mostly favourably. She concluded that SA’s TRC Act implicitly recognised the possibility of corporate liability outside the TRC process and hence international comity does not require dismissal. She also cited Stiglitz that the suit ‘will not discourage foreign investors’. That means, now, on the one hand, winning again in the Court of Appeals and Supreme Court is also possible if a slim majority upholds the claims, given that they are narrower than before. But on the other hand, this strategy diminishes the merits of the apartheid profits lawsuit for more general attacks on corporate malfeasance in Africa and elsewhere. (Another possibility, in between, is an out of court settlement, such as that which the German and Swiss firms paid Holocaust victims’ descendants.)

Khulumani describes their amended lawsuit as targeting those ‘companies that did profitable business by (knowingly) equipping the apartheid security agencies with the means of enforcing and sustaining apartheid’. The Khulumani lawsuit ‘asks for compensation for injuries on behalf of individual victims who fall into four classes of victims. The decision regarding compensation would be based on standards established in international law’ (Jobson 2009).

A Common Cause?

Those attacks on the record of malevolent firms and even colonial-era states are at a relatively high level of intensity at present. Other cases include claims by the Herero people against Germany for genocide carried out between 1904–08 (Sarkin 2008), and ATCA cases against firms which despoiled the Niger Delta. For example, the case Bowoto v. Chevron was heard in November 2008 in San Francisco, with Chevron found ‘not liable’ by a district court in a jury trial. The case originated in 1996, when Nigerian armed forces worked closely with Chevron security, a period during which the Nigerian army killed two unarmed Ilaje community members engaged in a sit-in at the firm’s Parabe Platform. Others were permanently injured and indeed tortured by the military. In February, Chevron (whose record profits in 2008 amounted to $23.8 billion) rubbed salt in the Ilaje people’s wounds by seeking reimbursement of $485,000 in legal fees for the case, including $190,000...
in photocopying charges (Paddock 2009). The Ilaje plaintiff’s representatives are Earthrights International and lawyer Bert Voorhees. Voorhees remarked of Chevron: ‘They are trying to bring this cost bill as a warning to any other folks who might seek justice’ (Paddock 2009). The case was lost again on appeal on 4 March in the District Court for the Northern District of California, but Voorhees plans another appeal, due to ‘insufficient evidence for the defence verdict, erroneous legal rulings, and prejudicial misconduct by Chevron’s lawyers’.

An impressive network has emerged to support the Ilaje. In addition to Voorhees’ firm and Justice for Nigeria Now, it included EarthRights International, the private law firms of Hadsell Stormer Keeny Richardson & Renick and Siegel & Yee, and Cindy Cohn and the Electronic Frontier Foundation, Robert Newman, Paul Hoffman, Richard Wiebe, Anthony DiCaprio, Michael Sorgen, Judith Chomsky and the Center for Constitutional Rights. Many of these organisations are also supportive of the Movement for the Survival of the Ogoni People, whose leader Ken Saro Wiwa and eight other Ogoni activists were executed by the Abacha regime in November 1995. Shell was kicked out of Ogoniland in mid-2008. Wiwa’s son Ken, brother Owens and others are suing Shell for alleged ‘complicity for human rights abuses against the Ogoni people in Nigeria, including summary execution, crimes against humanity, torture, inhumane treatment, arbitrary arrest, wrongful death, assault and battery, and infliction of emotional distress’ (as stated by Justice in Nigeria Now 2008). In a case filed in 1996, but only going to court on 27 April 2009, Wiwa is invoking not only ATCA but also the Torture Victim Protection Act and Racketeer Influenced and Corrupt Organisations Act. In addition to parallel legal strategies, there is already high-profile public campaigning underway similar to the apartheid reparations campaign.

There are other important legal strategies currently being pursued, including a so far unsuccessful ATCA case (on appeal) by the family of the late Palestine solidarity activist Rachel Corrie against Caterpillar, which supplied the Israeli military with the vehicle that killed Corrie. In Corrie v. Caterpillar, Inc. (2007), the judges ruled that:

Allowing this action to proceed would necessarily require the judicial branch of our government to question the political branches’ decision to grant extensive military aid to Israel. It is difficult to see how we could impose liability on Caterpillar without at least implicitly deciding the propriety of the United States’ decision to pay for the bulldozers which allegedly killed the plaintiffs’ family members.

More promisingly for ‘ecological reparations’ activists, a global warming lawsuit was settled out of court in February 2009 by Friends of the Earth, Greenpeace and the cities of Boulder in Colorado, Arcata in Santa Monica and Oakland in California. Their targets were the US Export-Import Bank and Overseas Private Investment Corporation, which invested, loaned or insured $32 billion in fossil fuel projects from 1990–2003 with no regard to the US National Environmental Policy Act (NEPA). At present, it is only US cities which have formal standing to sue for damages from climate change under NEPA, in the wake of a 2005 federal ruling. However, others – especially in the continent least responsible and most vulnerable to global warming, Africa – may have future recourse, perhaps under ATCA. The defendants agreed to important concessions in the settlement, rather than monetary damages; both will incorporate CO2 emissions into future planning (see http://www.foe.org/climatelawsuit).

While the ecological debt doctrine continues to be built, there is ongoing interest in contestation of Illegitimate and Odious
Debts associated with African dictatorships. In the wake of Ecuador’s January 2009 debt default, this appears to be a promising grassroots pressure discourse, since so many African countries have residual or historic debts associated with the financing of dictators by Western governments and banks. Given the inadequacy of the 2005 G7 finance ministers’ concessions (the Multilateral Debt Relief Initiative) just prior to the G8 meetings in Gleneagles, a movement began to promote a ‘Fair and Transparent Arbitration Process’ (FTAP) which meant to promote cancellation – or if not, then repudiation – of African external debt. The group Afrodad (2009, pp. 2–3) lists several parallel initiatives whose strategic orientation would be consolidated in a March 2009 Johannesburg conference:

i. The Norwegian Government’s (2005) declaration explicitly expresses the intention to support arbitration on illegitimate debts: ‘The Government will support the work to set up an international debt settlement court that will hear matters concerning illegitimate debt’.

ii. The Helsinki Process on Globalisation and Democracy, created at the initiative of the Finnish Government in cooperation with the Tanzanian Government in 2002 also promoted novel and empowering solutions to the dilemmas of global governance.

iii. The Italian Parliament passed a law on debt relief in the summer of 2000, Art. 7 of which requests an examination of present debt management. Under the title International Regulations on Foreign Debt this article reads: The Government will propose, to the relevant international institutions, the starting of the necessary procedures to obtain a ruling from the International Court of Justice on the consistency between the international regulations governing developing countries’ foreign debt and the general framework of legal principles and human and people’s rights.

iv. During a Conference in Uruguay’s Parliament the Montevideo Declaration calling for FTAP was formulated, and signed by Latin American Parliamentarians.

v. The ACP-EU Joint Parliamentary Assembly demanded FTAP in 2000, believing ‘that consideration should be given to the creation of an International Debt Arbitration Panel to restructure or cancel debts where debt service has reached such a level as to prevent the country providing necessary basic social services’.

vi. The High-Level Regional Consultative Meeting on Financing for Development, Asia and Pacific Region (Jakarta, 2–5 August 2000, session 1) called for: ‘There is a need for an international bankruptcy procedure. It should also be ensured that private debt does not become government debt’.

vii. At the African Union’s Experts’ Preparatory Meeting in Dakar 2005, the President of the Republic of Senegal argued that any lasting solution to Africa’s debt crisis must first and foremost be based on an audit – a ‘radioscopy’ – to ‘make known the amount to be repaid’, recognizing the principle that debt should be repaid. This is a clear call to tackle the problem of illegitimate debts and debts that would not exist in the case of debtors in the North where basic legal principles of debtor-creditor relations are respected.

viii. The Outcome document from the International Symposium on Illegitimate External Debt held in Oslo, Norway, 20–23 October 2008 called for Litigation/arbitration: ‘Specific contracts concerning debts exhibiting strong signs of illegitimacy should be considered for referral to arbitration or litigation, with a view to establishing relevant practical precedents’.

ix. Informal summary of the hearings with representatives of civil society and the business sector on financing for development (New York, 18 June 2008) also called for impartial and transparent processes towards resolving debt disputes,
where parties were given equal treatment and judgments were based on impartial evaluation of cases.

x. AFRODAD conducted national and regional FTA campaign launches in 2008, in Nigeria, Democratic Republic of Congo and Kenya, where participants demanded justice through an impartial and transparent process towards resolving debt disputes.

These are mainly elite processes, and suffer from the broader cul-de-sac of global governance paralysis, in which since the Basel Convention on Trade in Toxics (1992) and Montreal Protocol on ChloroFluoroCarbons (1996), there have been no world problems tackled effectively (consider the failed Doha Agenda of the World Trade Organisation, United Nations reform, Bretton Woods democratisation, the Kyoto Protocol). Nevertheless, Afrodad (2009, p. 3) concludes, ‘We are deeply convinced that despite its own weaknesses as a global institution, the UN remains the most suitable place to establish an arbitration court because of its legitimacy across nations’.

In contrast, there are a myriad of other more militant, grassroots-driven strategies presently at work (Bond 2009), exemplified by historic AIDS medicines’ victories against Big Pharma and the US and South African governments by the South African Treatment Action Campaign (TAC) and their international supporters (ACT UP! in the US, Oxfam and Medicines sans Frontiers). These included two crushing 2001 defeats for TAC’s opponents in the courts, including South Africa’s Constitutional Court. Other anti-corporate victories have been claimed by civil society members of the Africa Water Network, especially Accra’s Campaign Against Privatisation and Johannesburg’s Anti-Privatisation Forum and Coalition Against Water Privatisation. In the wake of years of militant protest, the latter groups won an April 2008 High Court victory against the public agency Johannesburg Water (managed from 2001–06 by the giant firm Suez of Paris), resulting in a judgment doubling the universal Free Basic Water allocation to 50 litres per person per day and banning prepayment meters, in a case the state appealed and which is likely to go to the Constitutional Court as well.

It is becoming clear, in such cases, that it is only in the mix of radical social pressure – ‘tree-shaking’ – and the power of the courtrooms – ‘jam-making’ – that the threat to corporations which exploit Africa can be maximised.

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Endnote

1. The suits were led by ‘Khulumani Support Group and 90 others’; ‘Digawamaje et al.’; and ‘Ntsebeza et al.’, subsequently consolidated in a 2007 counter-suit, ‘American Isuzu Motors et al. v Ntsebeza et al.’

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Mozambique: The Panic and Rage of the Poor

Joseph Hanlon

Frightened, poor people in Mozambique have killed Red Cross volunteers, a policemen, neighbours and strangers. In the first three months of 2009, at least 20 people were killed in urban lynchings, three were killed for stealing rain, and 16 people died in violence related to cholera.

Key to all these incidents is desperate poverty and hunger. For a decade Mozambique has been a donor darling for following the neoliberal free market development model, reporting GDP growth rates of 6–7 per cent per year, and claiming dramatic falls in poverty levels. But the claims of reducing poverty have been contested, in part because child malnutrition is rising (Hanlon and Smart 2008, pp. 57–70). ‘The distance between rich and poor is widening’, admitted the Mozambique self-evaluation submitted in February 2009 as part of the African Peer Review Mechanism evaluation of Mozambique. The statement is important, because until now the government and donors have stressed claims for poverty reduction and tried to refute evidence of deepening poverty. In an accompanying statement, Lourenço do Rosario, president of the National Peer Review Forum, warned that ‘social exclusion and maldistribution of wealth could constitute a space for conflict’. In fact, this conflict is already happening.

In poor urban areas, people live in flimsy houses with no electricity or street lighting, and complain of increasing nighttime crime, often by people armed with knives or machetes: housebreaking, mugging, rape and thefts of food from gardens. They claim that if they turn criminals in to the police, they are quickly released in exchange for a small bribe, so they have taken to dispensing justice.
with their own hands. In 2008 at least 50 people were killed in lynching, but in the first 10 weeks of 2009 the rate had doubled to two a week (Notícias, 13 March 2009). The word 'linchar' has entered into Portuguese for executions by mobs, based on 'lynch' in American English, used for mob killings, particularly of black people in the US south in the nineteenth and twentieth centuries. In Maputo, alleged criminals are killed by necklacing – putting a tyre around their neck, filling it with petrol, and setting it alight – a method used in South African townships in the 1980s against alleged apartheid spies.

The government’s own statistics show that urban poverty is increasing. Under the present economic model, the number of formal sector jobs is falling. Large demonstrations in Maputo on 5 February and then four other towns against the high cost of living shocked Mozambique. These demonstrations, organised through text messaging, were led by young people from the informal sector, which blocked roads into the capital, effectively closing Maputo. At least five people were killed and more than 100 injured, many shot by the police. Rogerio Sitoe, editor-in-chief of the government owned daily, Notícias, responded with a remarkable column, arguing that the root cause was ‘the religious way we applaud and accept the prescriptions of the World Bank and International Monetary Fund’, when these are really ‘poison prescriptions’. They have destroyed jobs and failed to promote agricultural development, and this has ‘contributed greatly to the impoverishment of the countryside and forced a migration to the cities, particularly of the youth’. The government needs its own development policy and needs to stop treating World Bank and IMF statements as if they were ‘bible verses’. A subsequent letter to the editor was published saying the demonstrations were not vandalism, but a strike by the people demanding their rights. A columnist said the demonstrations were useful, because before the riots the elites simply did not understand the economic crisis was not just of the poor, but of the middle classes (Notíciases, 15, 18, 19 February 2008).

In a tour of Maputo poor neighbourhoods in mid-March 2009, first lady Maria da Luz Guebuza told young people they had to work harder to make their way in the informal sector. She said that the state pays for teachers and education, after that it is up to young people themselves. But the young responded by saying that unless jobs were created or they were given help to be self-employed, crime would continue to increase (Fauvet, 2009).

**Rural Hunger and Cholera**

Meanwhile, the crisis is also growing in rural areas. In mid-March the government announced it had a surplus of 75,000 tonnes of maize, but admitted that marketing failures meant that it did not reach areas of hunger. The poor do not have money to buy food, so private traders are not interested in going to remote areas.

In Nicoadala district in Zambezia province, local people are accusing the state of locking up the rain and only giving it to better off farmers. In mid-February three people were killed and six injured, accused of diverting the rain. One farmer was quoted by the Sunday newspaper Domingo as saying: ‘In the farm over there, something is growing, but on mine, nothing. How is it that my neighbour can eat and I can’t?’

Cholera is endemic in most of Mozambique, with 15,000 cases notified between the start of the most recent outbreak in October 2007 and early 2009. Of those, 170 people died – a mortality rate of 1.1 per cent, which is considered low, and results from an effective cholera identification and treatment programme. But
over the past decade, anti-cholera programmes have been a source of much tension in coastal areas of northern Cabo Delgado and Nampula provinces.

On 6 January 2009 an angry mob burned down three cholera treatment tents that had been set up on the beach in Pemba, Cabo Delgado. The mob also attacked the houses of the neighbourhood secretary and his deputy, who were forced to flee to the police station. They were accused of allowing the tents, to spread the disease rather than treat it. Confusingly, in subsequent meetings people from the community accused the municipal authorities of doing nothing to stop the spread of cholera and of refusing to come to their community. On 18 January in Mecufi, on the coast south of Pemba, an eight-person anti-cholera brigade was attacked and beaten – again accused of spreading the disease.

Then in Quinga, on the coast of Mogincual district in Nampula, on 25 February 2009 two Red Cross volunteers who were part of a brigade publicising anti-cholera messages, which include putting chlorine in wells, were beaten to death, accused of poisoning the wells with cholera. Then three days later, in Angoche district (just south of Mogincual), protestors attacked health workers and accused them of spreading cholera. They were already being protected by the police, so the mob attacked the police with knives and spears, disembowelling and killing a police sergeant and seriously injuring two other policemen. On the same day in Moma district (south of Angoche) a mob attacked a community leader and accused him of putting cholera in the wells; two policemen protecting him were hospitalised.

Protests against those accused of spreading cholera continued after the murders noted above. In Quinga, three people were arrested but the crowd blocked the road to prevent them being taken out of the village; 37 Red Cross volunteers fled.

On 18 March police arrested a number of people in Quinga and took them to Liupo, the Mogincual district capital. Liupo has no court, so they had to be held until they could be taken to Angoche to be tried and charged. The police were clearly frightened by what had been done to their colleagues in Moma and Angoche, so they pushed 48 people into the tiny single cell in Liupo police station. Thirteen people died of suffocation over night (three senior police officers from Liupo have been arrested).

Driven by Fear

Coastal Nampula province is one of the poorest areas of Mozambique. In 1992–93, Mogincual was the centre of an outbreak of konzo (tropical ataxic neuropathy), an irreversible paralysis of the legs, and cases have been reported regularly since then (Ernesto et al. 2002). Cassava roots contain cyanogenic glucosides which can cause paralysis if eaten in quantity when the roots are not adequately processed; this occurs only in periods of severe hunger when there is little other food. In early 2009 it was reported that hunger was again sweeping the district due to a poor harvest caused by drought and cyclone Jokwe in 2008. The Mogincual district Director of Health said the return of konzo was ‘inevitable’ (Noticias 27 February 2009). Fifteen schools in Quinga closed in the early March 2009 after 10,000 of the 12,000 enrolled primary school pupils abandoned classes, according to Mogincual Education Director Agostinho Mendes. He said their families were fleeing the area, mainly due to hunger, but also because of the cholera and violence.

On 19 March, the Mozambican Red Cross (CVM) said that in Quinga people attacked volunteers riding bicycles and wearing Red Cross T-shirts ‘because they suspected they had money’. A house belonging to one of the murdered volunteers was burnt down, and two...
others were destroyed, the statement said. In addition, bicycles used by the volunteers were stolen, and some were destroyed. In Angoche, 13 houses of Red Cross volunteers were destroyed.

This is a repeat of similar incidents. In September 2006 a mob of 70 people armed with knives and machetes attacked an anti-cholera brigade of Save the Children, accusing them of putting cholera in the wells, in Nacala-a-Velha, again in coastal Nampula province. In December 2001 angry mobs in Nacala-a-Velha and neighbouring Memba district attacked anti-cholera teams, non-government organisations workers with bicycles and motorcycles, and police. Particularly notable was that they attacked traditional leaders (régulos, mapevé) and local government officials. More than 100 houses were destroyed and at least one person was killed.

Earlier protests in 2001 were studied by Carlos Serra (Serra 2003) in ways that remain highly relevant to the present incidents. Three obvious factors play a role. First the words ‘cholera’ and ‘chlorine’ are very close, in Portuguese as in English. For people who do not have a good understanding of disease mechanisms and only know that cholera comes from the water, the difference between putting cholera or chlorine in the water may not be clear. Second, when health officials warn that cholera is coming, local people ask: How do they know? The obvious answer is they must be bringing it. Third, this is a area of high tension between the governing Frelimo party and the opposition Renamo, which has some of its strongest support in northern coastal areas. The incidents this year come after a hard-fought local election in November in which the ruling Frelimo party won the three coastal cities of Nampula province, ousting incumbent Renamo mayors.

But the most important and shocking finding of the study was that poor people strongly believed that the rich and powerful wanted to kill them. In a climate of distrust and disempowerment, the poor responded violently against outsiders who they assumed were putting cholera in their water to eliminate them. In interviews in Memba, local people said that the two main NGOs there, SNV and Save the Children, had not done anything practical to help the people and had failed to carry out their promises. Similarly, local chiefs and government officials were not seen to do anything useful for the people – indeed, they were accused of accepting money from the outsiders who brought the cholera. This whole picture was reinforced when a health worker under attack took refuge in the local SNV office (Serra 2003, pp. 38–40).

The Serra study notes that protests were often led by unemployed youths who saw no future for themselves, and whose actions had the tacit backing of their elders. It became a protest against authority figures – régulos, government officials and NGO workers, who were seen as distant, arrogant and, most importantly, not delivering. The red motorcycles of SNV extension workers, driven dangerously and at high speed though villages, became a strong symbol of arrogance and distance.

The events of 2001 have a number of more recent resonances. The 5 February 2008 riots in Maputo were led by semi-employed youths from the informal sector who, as in Memba, had the implicit backing of their elders. It became a protest against authority figures – régulos, government officials and NGO workers, who were seen as distant, arrogant and, most importantly, not delivering. The red motorcycles of SNV extension workers, driven dangerously and at high speed though villages, became a strong symbol of arrogance and distance.

In his blog, Carlos Serra (8 March 2009) recounts a story from Muidumbe district in Cabo Delgado. Between June 2002 and May 2003, 18 people were lynched – accused of magically commanding
seven lions who ate 46 local people. What he found interesting was that ‘those accused of commanding the lions were all important people – the district administrator, chiefs, members of Frelimo, a local businessman, etc’.

Serra and his team concluded that the protests against chlorine in the water revealed ‘a profound disquiet and lack of confidence in the state’. But the campaign against chlorine in the water was not a campaign against the state or against modernising, but rather just the opposite. It was a protest against a state that had become distanced from the people, which only appeared before elections, and which increasingly failed to provide services and a better standard of living. It was not against modernity, but against the failure to provide the fruits of development.

For Carlos Serra (10 March 2009), lynchings and the cholera and rain riots in the north are all ‘messages of protest’ against insecurity and especially against growing social inequality. He argues that ‘these protests and demonstrations are products of insecurity, uneasiness, and social disequilibrium’, being exercised in culturally ancient forms, expressed in terms of magic and witchcraft. They may seem incoherent, but that ‘hides a terribly coherent logic based around want’. He stresses that despite the attacks on authority and state figures, it is really an appeal for help and for increased state support in these communities. He also predicts that there will be more events like the 5 February 2008 riots in Maputo against price rises.

Modesty Called For

Finally, some modesty is called for on our part. We ‘know’ that chlorine in water helps to prevent the spread of cholera, and thus will ‘know’ that local people were wrong in their belief that putting chlorine in the water was a cause of cholera. But how different is the cholera debate in Nampula from the HIV/AIDS debate in South Africa, in which the President himself, one of the world’s most respected leaders, questioned the wisdom and understanding of the some of the world’s most eminent scientists? Or consider the donors, IMF and World Bank who imposed the neoliberal model and accused those of us who disagreed of being as ‘stupid’ as the peasants opposed to chlorine in water – only to discover after 20 years that neoliberalism brought a world economic crisis instead of development.

Objections to chlorine may be scientifically unfounded, but reflect a well-founded social and political understanding. If a nurse or health post worker normally demands a bribe to provide proper treatment, why should they be trusted when they say they are giving chlorine free? If an arrogant NGO helps only a select few, why should it suddenly be trusted to help the poorest on a key health issue? If government actions have only led to increasing poverty and loss of jobs, why trust the government now? If local chiefs and party secretaries have used their links with the outside to collect taxes and increase their own power, why should they be trusted to help now? The poor have every reason to ask if the sincere priests and health workers and NGO staff sent into rural areas are not just an attempt to build up trust so that the poor can be better exploited. They have every reason to distrust the local leaders who ally themselves with the new outside exploiters.

In a time of hunger when people see no hope of improvement in their lives, perhaps the passive and violent resistance to putting chlorine in local water supplies should be seen as local people making a desperate attempt to regain some power – as a disempowered group finally taking a stand to defend its very survival.
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Post-election Kenya: Land, Displacement and the Search for ‘Durable Solutions’

Samir Elhawary

Accusations of irregularities during the December 2007 elections in Kenya sparked widespread violence. Over 1000 people were killed and an estimated 500,000 displaced from their homes. Apart from the immediate humanitarian implications, the economic cost of the crisis was put at over Ksh100 billion (around $1.5 billion). Jobs were lost, and people were unable to harvest or cultivate their farms. Meanwhile, the ethnic character of the violence put Kenya’s coherence as a nation in doubt (Africa Research Institute 2008). These events took the international community by surprise, not least because the country is usually held up as a model of stability in a largely fragile region. Yet violence and displacement accompanied elections throughout the 1990s, with some commentators warning of future instability if the underlying causes of this violence were left unresolved (IDMC 2006). Central to both past and current upheavals have been long-standing disputes over land ownership.

Post-election Violence, Displacement and the Humanitarian Response

The violence began when Kibaki’s Party of National Unity (PNU) declared victory in the elections. The opposition Orange Democratic Movement (ODM) claimed widespread irregularities and fraud, sparking rioting across the country between supporters of the rival parties. The unrest enabled some groups to act on long-standing grievances over land, and forcible appropriation has led...
to large-scale displacement, particularly in the Rift Valley and western Kenya.

Estimates of the number of IDPs at the height of the crisis stood at around 500,000, although patterns of displacement are fluid and accurate data was difficult to obtain. What seems clear is that many of the displaced – perhaps as many as half – were not in camps, but sought refuge with host families, often in their so-called ‘ancestral homelands’. This group of IDPs included landowners and farmers from the Rift Valley who fled to nearby towns and camps; migrant workers from the Rift Valley and Central Province, who moved back towards western Kenya; and urban dwellers and business owners from main cities such as Nairobi, Kisumu, Eldoret, Nakuru and Naivasha (OCHA 2008). These are in addition to pre-existing IDPs displaced by clashes during the 1990s, mainly located in Molo, Kuresoi, Burnt Forest and Mount Elgon. A further 12,000 refugees fled across the border into Uganda.

The Kenyan government led the humanitarian response through the Ministry of Special Programmes (MoSP). Within the ministry the National Disaster Operations Centre acted as the coordinating agent, with the Kenyan Red Cross (KRCS) the official implementing partner. The government’s response was supported by international organisations, with an Emergency Humanitarian Response Plan launched in April 2008 for US$207 million (UN 2008). There was also a concerted response by civil society organisations, particularly Church associations such as the National Council of Churches of Kenya (NCCCK), which has historically played a significant role in assisting IDPs.

The basic needs of those that were displaced in camps, in terms of protection, food, education, health, water and sanitation, were largely met, although the humanitarian response suffered from a lack of access due to insecurity, with roadblocks delaying the provision of relief. There were some reports of national staff being targeted because of their ethnicity. Sexual exploitation, mainly of women and children, was also widely noted, in the camps and elsewhere (IRIN News 2008). Furthermore, with the passage of time and the arrival of the rainy season, concerns were raised over conditions in some of the camps. The fate of displaced people outside the camps was – and to a certain extent remains – unclear. Accurate data do not exist and there is no systematised mechanism to identify, locate and assess their needs and intentions. This is a significant failing by the government and the humanitarian community.

For many displaced people, the concern remained security in home areas: they felt unable to return until the government addressed this issue, both in terms of physical security and in its wider socio-economic and legal sense. Unless the underlying causal factors of displacement are addressed, the prospects for durable solutions will remain bleak and conditions could deteriorate and see a relapse of violence. Here, resolving disputes over land must play a central role.

The Land Question and Displacement in Kenya

Internal displacement is a recurring theme in Kenya’s recent history. During the colonial period, British land policy favoured white settler agriculture, entailing the dispossession of many indigenous communities’ land (mainly the Kalenjin, Maasai and Kikuyu) across the Rift Valley and Nyanza, Western and Central provinces – the so-called White Highlands (Kanyinga et al. 2008). This process was legalised with the implementation of an individual freehold title registration system at the expense of customary mechanisms of land tenure (KLA 2004a). The land grievances that this colonial dispossession gave rise to were aggravated by Jomo Kenyatta’s independent
government. Kenyatta maintained the system of freehold land titles and did not question how the land had been acquired. To compensate the displaced, the government began a series of resettlement schemes based on a market system, but favoured those with the financial means to acquire land (KLA 2004b). Meanwhile, corruption and ethnic politics supported patronage networks and favoured certain communities, particularly the Kikuyu, who settled in the fertile areas of the Rift Valley, at the expense of others, such as the Luo, the Maasai and the Kalenjin.

These land tensions were further exacerbated by Kenyatta’s successor as president, Daniel arap Moi. In response to the political threat posed by the advent of multi-party politics in the 1990s, Moi (a Kalenjin) sought to portray the opposition as Kikuyu-led, and multi-party politics as an exclusionary ethnic project to control land (Klopp 2006). This entailed evoking *majimboism*, a type of federalism that promotes provincial autonomy based on ethnicity. To recover ‘stolen’ land, Kikuyu were evicted from the areas they had settled in the Rift Valley and western Kenya (Kamungi 2007). Associated clashes throughout the 1990s left thousands dead and over 350,000 displaced, allowing Moi to gerrymander elections in 1992 and 1997 (Klopp 2006). Rampant land-grabbing further undermined customary mechanisms of land governance, while growing hardship among the majority poor and rapid population growth increased pressure on the country’s arable land.

The displacement crisis following the 2007 elections is thus not an anomaly; rather, it is part of a sequence of recurrent displacements stemming from unresolved and politically aggravated land grievances, in a context of population growth, poor governance and socioeconomic insecurity. Simply focusing on facilitating the return of people displaced in the most recent crisis, in the absence of efforts to address the underlying structural causes, risks creating the conditions for further rounds of violence and fresh displacement.

**Humanitarians and Land**

Humanitarians have a poor track record when confronted with land issues. Agencies have often lacked an adequate understanding of these issues (ownership, access and use), and have tended to dismiss the problem as too complex, politically sensitive or simply outside their remit (Pantuliano 2009). This is troubling as conflicts over land often drive complex emergencies, particularly in agrarian societies where land is central to livelihoods. Forced displacement and appropriation can be a means to reward allies, acquire or secure access to resources, manipulate elections or create ethnically homogenous areas (de Waal 2009). Even where land is not a central driver, secondary conflicts can emerge, particularly if there is protracted displacement and land is occupied opportunistically. The result is often overlapping or competing land rights and claims, lost or destroyed documents, lack of adequate housing stock and increased land pressure, often in the absence of an institutional framework that can effectively resolve these conflicts (Huggins 2009).

Policy responses usually favour returning populations to their areas of origin or habitual residence and the restitution of land and property. Often, however, displaced people have no land to return to, or are unable to access their properties. They may have had no alternative but to occupy someone else’s land, or they may be in direct competition for land with other groups, including the state (Alden Wily 2009).

These shortcomings stem from the manner in which the humanitarian community conceptualise emergency contexts. They are understood as a breakdown or temporary aberration from a
pre-conceived state of normality in which it is the role of aid agencies to provide palliative relief until there is a perceived return to that normality (Duffield 2007). In terms of forced displacement, once a conflict is deemed to have ended or a peace agreement signed, humanitarians seek to return and reintegrate those that fled to their areas of origin. Yet the relationship between war and peace is fluid; peacetime can often be characterised by different types of violence such as sexual violence or an increase in homicide rates. Peace does not necessarily lead to emancipation or freedom from exploitation and may actually be characterised by a structural violence that reinforces grievances and can lead to further conflict or a return to war. Therefore, simply returning to what was conceived to have existed before the war can reinforce these structures of violence and recreate the conditions that originally led to the outbreak of war or large-scale political violence. As David Keen (2008, p. 186) asserts, ‘we need to ask whose peace? Peace on what terms? Peace in whose interest? Peace negotiated by which individuals or groups?’

The government and humanitarian community need to ask these questions in the post-election Kenyan context to ensure that any search for durable solutions for the displaced address some of the underlying causes of conflict. Returning to pre-election Kenya without resolving key grievances will simply sow the seeds for future violence and displacement.

The Search for ‘Durable Solutions’

Despite continuing political uncertainty after the power sharing agreement, the Kenyan government called for those displaced by the post-election violence to return to their homes. In order to support this process, Operation Rudi Nyumbani (Return Home) was launched in which a fund of Ksh1bn ($15 million) was established, with the international community asked to contribute a substantially larger amount. The fund was administered by the newly created Mitigation and Resettlement Unit within the MoSP. In this endeavour, the government has sought to increase physical security in the areas from which people were displaced, rehabilitate key services, provide assistance for the first three months of return and promote and engage in reconciliation activities (NAIC 2008).

The government has pledged to adhere to international guiding principles on IDP return, resettlement and reintegration. In addition, the Inter-Agency Standing Committee (IASC) has developed a framework designed to ensure a ‘durable solution’, covering return, relocation (settlement in another part of the country, including movement to ethnically homogeneous areas or so-called ‘ancestral homelands’, where the IDP has links to extended family or to an identifiable ethnic group) and local integration in areas of refuge (IASC 2008). As is usually the case in situations like this, the preferred option, for the government, donors and the humanitarian community, is the return of the displaced to their areas of former residence. This is seen as less controversial than other options, which might lead to significant changes in the structure of a society, and is a visible and quantifiable process. Furthermore, it is in line with international standards such as the Principles on Housing and Property Restitution for Refugees and Displaced Persons (the Pinheiro Principles), which call for the restitution of land and property to the displaced.

In an attempt to show that the crisis would be over quickly, the government estimated that all IDPs would return in 100 days. Predictably, this did not occur, but since February 2008 the government estimates that over 290,000 IDPs have left the camps; however, many have not
returned to their homes and are currently residing in transit camps, often located in proximity to their farms or contain an area of land that IDPs can cultivate (OCHA 2009). There are an estimated 42,574 IDPs living in these transit sites, many of which lack basic services, but nonetheless may become permanent settlements if their displacement becomes protracted. The fate of those that did not flee to camps is uncertain, although there are reports from agencies that many host families are unable to continue supporting their needs and there are fears that the displaced may start making claims on their land.

The main obstacles to return are continuing insecurity and uncertainty around the resolution of key land grievances. Some IDPs have spontaneously formed community lobby groups to pressure the government in supporting durable solutions. They are calling for preconditions, such as assurances on security, systems to compensate for or restore lost property and measures to ensure that land issues are resolved. Many IDPs, particularly those with no, lost or destroyed titles, are sceptical that such conditions will be met, and are asking to be resettled in alternative sites, including in main urban areas such as Nairobi.

Given the complex conditions IDPs have placed on their return, pushing for a rapid return is both unfeasible and unhelpful, and can potentially lead to some being returned against their will. Nor does such a rapid response allow time to instigate the processes needed to ensure a viable, durable return. Even if the conditions for return are deemed to be in place, such a process should not be framed as a durable solution but rather a temporary measure until such time as clear processes are established to tackle unresolved land issues and other related grievances. In order to be sustainable, such processes must enjoy the support of leading local and national politicians.

The alternatives to return outlined in the IASC framework are relocation and local integration. IDPs who do not have land or who are too traumatised to return seem to favour resettlement on alternative sites, but this is a complex process and cannot be considered durable unless accompanied by a resolution of the land question more broadly. In any case, resettlement may simply aggravate existing land grievances, particularly in areas such as Central and Nairobi provinces, where population density is high and land scarce. Furthermore, solely focusing on those that have been recently displaced, as is currently the case among both the government and the humanitarian community, will create resentment among long-term IDPs (including the wider landless), who have been waiting many years to be resettled and are currently living in very difficult conditions.

Relocating IDPs to so-called ‘ancestral homelands’ is of particular concern. While this may offer a temporary refuge for communities that have retained strong ties with their extended families, many host families are starting to reject the continued presence of displaced people for fear that they will make claims on their land. Resettlement in areas of ethnic kinship also sets a dangerous precedent as it implicitly supports the goals of those engaged in violence and displacement as a means of ethnically cleansing certain regions. It also fails to take into account that the concept of ‘ancestral homeland’ is often an artificial construction of the colonial state, rather than a reflection of historical rootedness (Lonsdale 2008). Ethnicity is not a static, homogenous entity, but rather a fluid concept subject to generations of intermarriage. Any efforts to return IDPs to presumed ‘homelands’ would need to determine which communities actually belong to certain areas, and how far back in history one would need to go to find this out, a process that would surely further divide Kenya’s
communities and could even threaten the country’s cohesion.

The third possibility – integrating the displaced in the areas where they have sought refuge – depends on their characteristics and the willingness of both the displaced and host communities to accept integration. In reality, pressures on local resources are already high, and integrating IDPs in rural areas is probably not going to be feasible. In the towns and cities unemployment is a serious concern, particularly among young people, and access to land and housing is already inadequate. Despite these problems, if the political process stalls and land issues are not effectively tackled, urban migration will probably further accelerate, which means that the government and humanitarian agencies must prepare to support integration in urban areas. These efforts need to be linked with the government’s wider recovery strategy, which aims to improve services in slum areas and increase employment opportunities, and must be carried out in partnership with development agencies concerned with tackling the wider problems of socioeconomic insecurity in the urban peripheries where the bulk of IDPs live. Questions of land tenure also demand attention: many of the displaced squat in public buildings or other public spaces, threatening the informal property interests of the existing urban poor (Alden Wily 2009). The expertise of development agencies engaged in urban planning is increasingly needed to support measures to secure tenure for the displaced and the wider population of concern.

Any solution to displacement, whether temporary or durable, must enjoy the active participation of Kenyan civil society, particularly the faith-based organisations that have historically played an important role in supporting IDPs (Klopp 2006). These groups are important stakeholders in promoting dialogue, reconciliation and peace-building activities; and they bring important pressure to bear on the government to effectively deal with the issues outlined in the political agreement between Kibaki and Odinga. These include a commitment by the government to resolve historical grievances, including land issues. A draft Land Policy has been developed in this regard, although its final content and adoption remains a contentious issue in Parliament. Furthermore, there are questions concerning where the resources will come from for its implementation and whether the government has the political will to reverse much of the land-grabbing that has taken place in the last few decades; many of the politicians implicated are still in positions of power. Pressure from civil society will be essential in shaping and driving this agenda forward.

Conclusion

Land issues are central to the dynamics of forced displacement in Kenya, with significant implications for humanitarian and recovery interventions that aim to support durable solutions in the aftermath of the violence that followed the 2007 elections. Even before the latest crisis, grievances over land had generated over 350,000 IDPs. Displacement is thus not a new phenomenon, and portraying return as a durable solution in the absence of clear processes to resolve the underlying causes risks embedding the conditions for further violence in the future. If a durable solution is to be achieved, historical grievances must be acknowledged and effectively addressed (Klopp 2002).

Indeed, although many of these grievances have been acknowledged, it is not yet clear whether adequate processes will be put in place to address them and whether there is sufficient political will to drive this agenda forward. As a result, many local communities oppose the return of displaced people and
displaced people themselves are not keen to return to contested areas. The possibility of coerced return raises clear protection concerns, particularly given the government desire to ‘resolve’ the displacement problem as rapidly as possible. The humanitarian community should be very cautious about facilitating return in the absence of adequate physical and socio-economic security. Well-informed advocacy, which incorporates land tenure expertise, is required to encourage the government to meet its obligations to ensure that the conditions for return are in place. If such processes are to represent a truly durable solution, they must be accompanied by an acknowledgement of historical grievances and the need for reconciliation processes. In the absence of such change, it is imperative that the humanitarian community monitors the fate of IDPs after their return, to ensure that their rights are protected and their needs are met, and not simply forgotten amongst the needs of the wider poor.

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Endnotes

1. The KRCS estimated there were 268,330 IDPs residing in camps, although it is widely believed among aid agencies that there were an equivalent number residing outside camps. See KRCS Operations Update, 29 February 2008, available from: http://www.kenya-redcross.org/highlights.php?newsid=61&subcat=1

2. The guiding principles on internal displacement are a set of principles based on international humanitarian law and human rights instruments to guide governments and international agencies in the provision of assistance and protection to IDPs.


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Apartheid Reparations and the Contestation of Corporate Power in Africa

Patrick Bond & Khadija Sharife

The joint activist and juridical movement for reparations against corporations that profited from apartheid is finally making progress within the generally hostile US judicial system, using the ‘Alien Tort Claims Act’ and public pressure. By way of an update on the struggle, this briefing first reviews the core evidence presented by plaintiffs representing tens of thousands of black South African victims of apartheid (Khulumani et al. 2002), considers the rebuttals by corporations (Morrisson and Foerster 2008), and then turns to an update on the apartheid lawsuit and similar initiatives which demand that the ‘historical debt’ associated with oppression be repaid by those who profited, with interest.

Apartheid profits

To what extent did transnational corporations not only profit from but also sustain the apartheid regime? As one of white South Africa’s most notorious leaders, John Vorster, once proclaimed: ‘Each bank loan, each new investment is another brick in the wall of our continued existence’ (cited in Khulumani et al. 2002, p. 78). In 1980, his successor P.W. Botha appointed corporate representatives from Barclays, Standard Bank, Anglo American and other firms to serve on the Defence Advisory Board (DAB), a group that was instrumental in securing corporate support for apartheid policies. Botha told the House of Assembly:

We have obtained some of the top business leaders in South Africa to serve on the DAB in order to advise me from the inside, not only about the armaments industry, but also about the best methods to be applied within the Defence Force... I want to unite the business leaders of South Africa, representative as they are, behind the South African Defence Force. I think I have succeeded in doing so. (Cited in Khulumani et al. 2002, p. 79)

This collaboration, integral to the existence of the apartheid state, was acknowledged by Barclays chairman Sir Frederic Seebohm:

There are one or two identifiable political groups in [South Africa] who are bent on destroying our society in order to impose their own minority ideologies on the rest of us ... One of their objects is to bring about bloody revolution and they see in South Africa a chance to do just this. They believe fervently in a policy of destruction, which is the policy of an empty mind and those who have opted out of civilised society. (cited in First et al. 1972)

Similarly, the post-apartheid Truth and Reconciliation Committee (TRC) found that

business was central to the economy that sustained the South African state during the apartheid years. Certain businesses, especially the
mining industry were involved in helping to design and implement the apartheid policies. Other businesses benefited from cooperating with the security structures of the former state. Most businesses benefited from operating in a racially structured context. (Khulumani et al. 2002, p. 156)

Banks, including Barclays, Citicorp, Dresdner and Commerz, provided the interface, acting as intermediaries between the licit and illicit, financing and sustaining corporations and the regime. According to an article published in The Nation in 1976, ‘South Africa is borrowing heavily to finance massive development projects and boost its defence spending ... It is hard to imagine where it would be right now without borrowed funds’. In 1979 the Chairperson of the UN Special Committee against Apartheid charged Citigroup for supplying one-fifth of the $5 billion inflow that bolstered apartheid in the months following the Soweto uprising. As late as 1989, Newsday headlined a report, ‘Citibank under Fire: Loan Terms seen as Aid to Pretoria’. The New York newspaper revealed that the bank rescheduled outstanding loans of $660 million on lenient terms. The same year, $8 billion in loans were refinanced, negotiated by Barclays, Dresdner, Deutsche and UBS (Khulumani et al. 2002, p. 115).

Basil Hersov, former head of Barclays during the apartheid era, served on Botha’s DAB. Barclays was listed by the UN as providing one of nine major loans to the SA government and its corporations, totalling $478 million ‘in which Barclays played a leading role’. In 1976, Barclays acquired one-eighth of all South African Defence Bonds, directly financing the armed forces. Bob Aldworth, Barclays Managing Director described it as ‘part of (Barclays) social responsibility to the country’. In 1979, the company would underwrite and purchase shares in the state oil company, Sasol, the latter being set up to subvert sanctions through coal-to-oil conversions (Khulumani et al. 2002, p. 113).

To summarise, the corporate role in South African racial oppression was so substantial that even US president Ronald Reagan’s 1985 Executive Order implicitly acknowledged the support US firms gave the apartheid state.

The EO will put in place a set of measures designed and aimed against the machinery of apartheid. These steps include a ban on all computer exports to agencies involved in the enforcement of apartheid and to the security forces; a ban on loans to the South African Government ... (Reagan 1985)

However, moving from such clear evidence to a formal finding of a ‘tort’ requiring reparations payments, as in the case of the Holocaust survivors who sued European corporations in the US courts, would not be easy.

The Corporate Defence

Post-apartheid political discourse has been characterised by a ‘talk left walk right’ strategy in which anti-corporate rhetoric offered by the African National Congress occasionally emerges within a prevailing corporate and neoliberal discourse (Bond 2006). This admixture of left and right political references has provided space for the South African government to disapprove of claims for historic justice against multinationals that worked closely with the apartheid system through progressive/nationalist references, invoking alleged ‘judicial imperialism’.

This basic problem was discovered by South Africans who utilised the US Alien Tort Claims Act (ATCA) in seeking compensation to be awarded against apartheid profits. The ATCA has recently been employed in some high-profile
international cases. In 1997, Holocaust Litigation cases were filed under ATCA against Swiss banks, and ultimately settled out of court for $1.25 billion. Other ATCA cases settled out of court included victims of Burmese junta repression allegedly aided by Unocal and Yahoo! which allegedly turned over private information to the Chinese state, resulting in the imprisonment of Internet users. In 2002, South African activists including Dennis Brutus and Lungisile Ntsebeza, as well as the Khulumani Support Group for apartheid victims and Jubilee South Africa, used the ATCA to sue dozens of multinational corporations operating in South Africa during apartheid.¹

Because the Bush Administration persuaded SA President Thabo Mbeki to oppose the plaintiffs in mid-2003 (cited in Bond 2006), New York Southern Circuit Judge John Sprizzo ruled the case in favour of the corporate defendants in November 2004. Sprizzo argued that the ATCA was trumped by US foreign policy and South African domestic economic policy considerations. However, three years later, in October 2007, litigants won an appeal in the Second Circuit Court, which found that ‘in this Circuit, a plaintiff may plead a theory of aiding and abetting liability [for international crimes such as apartheid] under the ATCA’ (McOwen 2008). This too was appealed, and in May 2008, the conservative US Supreme Court was expected finally to kill the lawsuit on behalf of the corporations. However, four of the justices discovered conflicts of interest in their own investment portfolios (they owned shares in the sued companies), and so the Supreme Court had no choice but to pass the case back to the New York courts, which in February 2009 held another hearing on a corporate motion to dismiss.

In the corporations’ defence, a ‘Memorandum of Law in Support of the Defendant’s Joint Motion to Dismiss’ filed by Daimler AG, Ford Motor Company, Barclays Bank, International Business Machines Corp., Fujitsu Ltd. and UBS (Morrison and Foerster 2008), offers numerous rationalisations:

- the plaintiffs fail to ‘state a claim cognisable under the (tort statute) grant of jurisdiction’ violating the laws of nations or a treaty of the US;
- ‘aiding and abetting international law violations are not actionable under the statute’;
- ‘allegations of aiding and abetting the apartheid government do not state a claim because doing business with apartheid South Africa did not violate international law’;
- ‘no defendant is alleged to have been involved in the promulgation or enforcement of the laws by which apartheid was administered (or) alleged to have committed torture, genocide or extrajudicial killing’;
- ‘complaints are composed almost exclusively of allegations concerning the sale of automotive vehicles and computers, and the loans of funds to parties in South Africa – conduct that is not and has never been in violation of international law’;
- international law ‘never imposed obligation on defendants to divest’;
- ‘none of the defendants’ home countries ever prohibited South African commerce altogether’;
- the UN Resolutions were limited to ‘intense debates over whether to prohibit commerce with South Africa’;
- the UN General Assembly is not a ‘law-making body’ but exists instead for purposes of ‘political discussion’ which is at best ‘merely advisory’;
- various resolutions, e.g. UN Security Council Res. 569 (1985), were not binding on member states or corporations and resolutions did not specifically single out the manufacturers of armaments and military vehicles, the technology corporations or the banks;
- ‘accessorial liability’ and ‘substantial assistance’ could not be proved,
reiterating the words of Judge Katzmann who concluded that the plaintiffs must prove ‘practical assistance . . . with the purpose’ and intent of facilitating the commission of primary violations;

- the tort statute is interpreted (and constrained) by ‘specificities comparable to 18th century paradigms related to piracy etc;
- the tort statute’s jurisdiction does not extend to the extraterritorial nature/conduct of multinationals in foreign nations, and that it was never intended to be used applied outside US borders;
- international law does not recognise corporate liability with jurisdiction extending to natural persons only, further highlighting that no international court has ever found a corporation guilty of ‘violating a norm of international law’;
- the tort statute does not contain a statute of limitations, hence the defendants borrow the ten year limitation of the Torture Victim’s Protection Act, to dismiss the claims;
- there is no basis for tolling the limitations period . . . to overcome their failing to bring suit so many years after Mandela’s election . . .
- Khulumani’s claims do not relate back as initially, the suit was materially different (deliberate on the part of Khulumani’s counsel), who have only this year switched to ‘class action’;
- Khulumani lacks associational standing, for ‘the presence of the individual members – the real parties in interest – is required . . . importantly to avoid the risk of duplicative litigation’;
- ‘Khulumani (KSG) lacks standing to sue on its own behalf’, and as for claims that KSG incurred expenses via voluntary expenditure on victims’ behalf, the defendants maintain, ‘this type of derivative claim could only be based on equitable subrogation, which is not available to volunteers’;
- ‘Judgment in favour of plaintiffs would subvert the democratic decisions of those countries to permit, – and indeed, to encourage, regulated commerce in and with apartheid South Africa’;
- ‘cases are non-justiciable under the political question doctrine . . . the adjudication of these cases before the Court would conflict with clearly articulated foreign policy and interfere with international diplomacy’;
- South Africa views objections as intrusion upon its sovereignty: ‘SA has at every turn urged the US courts not to adjudicate plaintiff’s claims’; ‘plaintiffs seek massive monetary penalties on behalf of the classes they purport to represent . . . SA considers it to be a direct challenge to the reparations programme carefully designed by the post-apartheid government to confront the legacy of apartheid’; and hence
- the successful prosecution of the case would disrupt the growth of the South African economy, undermining economic stability and deterring foreign direct investment.

Supplemental memorandums submitted by IBM, Daimler, Ford, General Motors, Fujitsu and Barclays develop the arguments, claiming that parent corporations should not be held liable for the alleged acts and policies of subsidiaries, which indeed may have supported the apartheid regime. Yet, if 60 per cent of global trade occurs by way of multinational internal transfer between parent and subsidiary, and lacks transparency, it is unclear as to how parent corporations could mount a case contesting purported information transfer and hierarchical management within the parent-subsidiary relationships in question. Apartheid-era South Africa was, after all, branded by the international community as a pariah state perpetrating horrific crimes against humanity. In this light, all banking relations on the part of defendants could be interpreted in the context of financing (state) terrorism (defined as systematic use of terror as a means of coercion).
In their supplemental memorandum, Daimler — investors and suppliers of Unimog vehicles, marketed in 1965 as a ‘military vehicle’ (Khulumani et al. 2002, p. 132) distinguished from the civilian version by mountings for arms, bullet-proof tyres and other characteristics — stated that the Ntsebeza Plaintiff’s allegations are insufficient as a matter of law, ‘as they are entirely conclusory, failing to make any effort to tie Daimler-Chrysler Corporation’s purported manufacture of vehicle to any particular harm suffered by any particular plaintiff’ (Daimler Brief 2008). However, the evidence paints a different picture. Khulumani et al. note that in July 1988, Daimler Chrysler leader Joachim Jungbeck boasted to a shareholder meeting:

During a company visit, I was proudly shown aggregates of army vehicles, including huge numbers of axles from armoured vehicles. Storerooms contained large numbers of engines, axles and transmissions for Unimogs and armoured vehicles of the South African police and army. In between were parts for the armoured vehicle ‘Buffel’. The Buffel was used in the war against Angola and for the occupation and control of black urban settlements. (Khulumani et al. 2002, p.130)

Daimler’s presence in South Africa was marked by a series of collaborations with the apartheid government. In the 1970s, ARMSCOR used the chassis of the Unimog to develop the vehicle that would be used by the army and police to repress the population. One year after the UN Security Council enacted a mandatory arms embargo, Mercedes Benz shipped 6000 Unimog to SA. Corporations directly collaborated with state-owned entities, including well-known entities such as SASOL and ESCOM. As an example, the state-owned Industrial Development Corporation owned 51 per cent share. With regard to the ADE, Daimler Chairman Jurgen Schrempp stated: ‘The authorities established ADE for strategic reasons’. ADE’s main client was the South African army. Daimler partly owned or maintained shares in several companies that helped maintain the apartheid system, including their 56 per cent capital stock in Allgemeine Elektrizitätsgesellschaft (AEG), whose facilities aided ‘the South African government in its internal security by monitoring the identity and movement of black population …’ (Khulumani et al. 2002, p. 133).

Ultimately, the corporations hoped that the decisive factor in their defence was the active collaboration of former South African Minister of Justice Penuell Maduna. The corporations’ Joint Memorandum (Morrisson and Foerster 2008) drew sustenance from Maduna’s declaration opposing litigation, later resubmitted by his successor, Brigitte Mabandla: ‘Like her predecessor, the current Minister maintains that the responsibility to address the country’s apartheid past … lies with the South African government and not foreign courts’. The corporations also quoted Mbeki: ‘We are not defending the multinationals. What we are defending is the sovereign right of the people to decide their future… I can’t understand why any South African would want to be brought under such judicial imperialism’.

According to Khulumani lawyer Michael Hausfeld: ‘Maduna was instructed by the US government to oppose lawsuits brought in the US against multinational corporations which allegedly benefited from apartheid’. After leaving Mbeki’s Cabinet, Maduna went on to commercially represent the apartheid corporations as lawyer, alongside Democratic Alliance politician Peter Leon (brother of the party’s former leader Tony). Maduna claimed to oppose the reparations lawsuit to protect national sovereignty, yet his declaration deliberately accorded protection to the extra-territorial corporations
that undermined the struggle for freedom during the apartheid era by knowingly financing and sustaining the regime, in direct collaboration with foreign governments. Maduna had taken up this cause in 2003 as a direct result of a letter requesting him, ironically, to invoke ‘SA sovereignty’, from US Secretary of State, Colin Powell (Bond 2006).

In contrast, in August 2005, an Amicus brief filed by the TRC argued that the corporations listed in the Khulumani lawsuit never engaged with the TRC, nor did the multinationals ever apply for amnesty; that the lawsuits against multinationals on the part of private citizens should in no way interfere with the policies and processes of the TRC, nor should they undermine or conflict with the SA Constitution, courts or government; and finally, that private corporations may be held legally and legitimately accountable for apartheid victims, as a matter of civil law. According to advocate Dumisa Ntsebeza, former TRC head of the TRC’s Investigation Unit: ‘The TRC failed as an institution to find the evidence that would show that the role of business was such that they were complicit in South African apartheid. That failure was due to lack of time, lack of resources and lack of full cooperation from big business’ (Duke 2002).

In spite of the post-Mbeki government’s failure to overturn its predecessor’s support for the apartheid corporations, the February 2009 New York court hearing led by Hausfeld seemed to open up a new trajectory. In late 2008, the plaintiffs had honed down their case to a smaller number of corporations. According to Hausfeld associate Molly McOwen (2008):

> While the availability of the aiding and abetting theory of liability is clear, the standard for establishing such liability remains undecided … We allege that the technology companies worked with the apartheid regime intensively, over a prolonged period of time, to develop computer systems that would run the racial passbook systems. The companies purposefully designed the systems so that they would maximize the efficiency and efficacy of the regime’s enforcement of the pass laws. The companies knew that these activities violated international law. Thus, the companies’ assistance was not only substantial, but it was provided with the knowledge that it was assisting international law violations and with the purpose of perpetuating apartheid (itself an international crime) and the violence necessary to the maintenance of apartheid.

In addition to the aiding and abetting theory of liability, Plaintiffs’ First Amended Complaint raises a joint criminal enterprise (‘JCE’) theory. Under the JCE theory, a person may be liable for a crime committed by some aspect of a criminal enterprise if the person acted in furtherance of the criminal enterprise, with knowledge of the nature of that enterprise and the intent to further the criminal purposes of that enterprise. It must be foreseeable that the crimes will be committed by other members of the enterprise. This theory has been relied on in several cases before the International Criminal Tribunal for the former Yugoslavia … Plaintiffs’ factual allegations satisfy this theory, as well. For instance, we allege that Defendant Barclays National Bank was an active participant on the South African Defence Advisory Board through the bank’s director, Basil Hersov. Through this collaboration, as well as Barclays’ continued financing of the apartheid regime, the bank intentionally furthered the South African security forces and their criminal purpose of maintaining and enforcing apartheid. Plaintiffs’ injuries were utterly foreseeable at the hands of the South African security forces, whose violent acts were
condemned around the world. Thus, Barclays should be found liable under the ATCA under the JCE theory as well as the aiding and abetting theory.

With respect to both theories of liability – aiding and abetting and JCE – it is important to note that the First Amended Complaint focuses exclusively on the corporate defendants’ substantial assistance to the South African security forces. Plaintiffs are not suing defendants for their general business activities in South Africa during apartheid, or even for their business dealings with the South African government in general. Rather, Plaintiffs have identified the key companies that supplied arms, military vehicles, computerized racial passbook systems, and financing to the security forces with full knowledge that these strategic military assets would facilitate the maintenance and enforcement of apartheid.

As the plaintiff’s lawyers feared, the judge who replaced Sprizzo (who died in 2008), Shira A. Scheindlin, ruled in April 2009 that banks should be removed from the lawsuit. In the hearing, Hausfeld pointed out that any banks that provide financial services to terrorist organisations today are subject to prosecution. The apartheid state is as obvious a case of a terrorist organisation as any, and thus should also be subject to tort claims.

Khulumani’s strategic retreat, reducing to nine corporations from three dozen, allowed Scheindlin (2009) to rule mostly favourably. She concluded that SA’s TRC Act implicitly recognised the possibility of corporate liability outside the TRC process and hence international comity does not require dismissal. She also cited Stiglitz that the suit ‘will not discourage foreign investors’. That means, now, on the one hand, winning again in the Court of Appeals and Supreme Court is also possible if a slim majority upholds the claims, given that they are narrower than before. But on the other hand, this strategy diminishes the merits of the apartheid profits lawsuit for more general attacks on corporate malfeasance in Africa and elsewhere. (Another possibility, in between, is an out of court settlement, such as that which the German and Swiss firms paid Holocaust victims’ descendants.)

Khulumani describes their amended lawsuit as targeting those ‘companies that did profitable business by (knowingly) equipping the apartheid security agencies with the means of enforcing and sustaining apartheid’. The Khulumani lawsuit ‘asks for compensation for injuries on behalf of individual victims who fall into four classes of victims. The decision regarding compensation would be based on standards established in international law’ (Jobson 2009).

A Common Cause?

Those attacks on the record of malevolent firms and even colonial-era states are at a relatively high level of intensity at present. Other cases include claims by the Herero people against Germany for genocide carried out between 1904–08 (Sarkin 2008), and ATCA cases against firms which despoiled the Niger Delta. For example, the case Bowoto v. Chevron was heard in November 2008 in San Francisco, with Chevron found ‘not liable’ by a district court in a jury trial. The case originated in 1996, when Nigerian armed forces worked closely with Chevron security, a period during which the Nigerian army killed two unarmed Ilaje community members engaged in a sit-in at the firm’s Parabe Platform. Others were permanently injured and indeed tortured by the military. In February, Chevron (whose record profits in 2008 amounted to $23.8 billion) rubbed salt in the Ilaje people’s wounds by seeking reimbursement of $485,000 in legal fees for the case, including $190,000

Briefings: Corporate Power in Africa 121
in photocopying charges (Paddock 2009). The Ilaje plaintiff’s representatives are Earthrights International and lawyer Bert Voorhees. Voorhees remarked of Chevron: ‘They are trying to bring this cost bill as a warning to any other folks who might seek justice’ (Paddock 2009). The case was lost again on appeal on 4 March in the District Court for the Northern District of California, but Voorhees plans another appeal, due to ‘insufficient evidence for the defence verdict, erroneous legal rulings, and prejudicial misconduct by Chevron’s lawyers’. 

An impressive network has emerged to support the Ilaje. In addition to Voorhees’ firm and Justice for Nigeria Now, it included EarthRights International, the private law firms of Hadsell Stormer Keeny Richardson & Renick and Siegel & Yee, and Cindy Cohn and the Electronic Frontier Foundation, Robert Newman, Paul Hoffman, Richard Wiebe, Anthony DiCaprio, Michael Sorgen, Judith Chomsky and the Center for Constitutional Rights. Many of these organisations are also supportive of the Movement for the Survival of the Ogoni People, whose leader Ken Saro Wiwa and eight other Ogoni activists were executed by the Abacha regime in November 1995. Shell was kicked out of Ogoniland in mid-2008. Wiwa’s son Ken, brother Owens and others are suing Shell for alleged ‘complicity for human rights abuses against the Ogoni people in Nigeria, including summary execution, crimes against humanity, torture, inhumane treatment, arbitrary arrest, wrongful death, assault and battery, and infliction of emotional distress’ (as stated by Justice in Nigeria Now 2008). In a case filed in 1996, but only going to court on 27 April 2009, Wiwa is invoking not only ATCA but also the Torture Victim Protection Act and Racketeer Influenced and Corrupt Organisations Act. In addition to parallel legal strategies, there is already high-profile public campaigning underway similar to the apartheid reparations campaign.

There are other important legal strategies currently being pursued, including a so far unsuccessful ATCA case (on appeal) by the family of the late Palestine solidarity activist Rachel Corrie against Caterpillar, which supplied the Israeli military with the vehicle that killed Corrie. In Corrie v. Caterpillar, Inc. (2007), the judges ruled that:

Allowing this action to proceed would necessarily require the judicial branch of our government to question the political branches’ decision to grant extensive military aid to Israel. It is difficult to see how we could impose liability on Caterpillar without at least implicitly deciding the propriety of the United States’ decision to pay for the bulldozers which allegedly killed the plaintiffs’ family members.

More promisingly for ‘ecological reparations’ activists, a global warming lawsuit was settled out of court in February 2009 by Friends of the Earth, Greenpeace and the cities of Boulder in Colorado, Arcata in Santa Monica and Oakland in California. Their targets were the US Export-Import Bank and Overseas Private Investment Corporation, which invested, loaned or insured $32 billion in fossil fuel projects from 1990–2003 with no regard to the US National Environmental Policy Act (NEPA). At present, it is only US cities which have formal standing to sue for damages from climate change under NEPA, in the wake of a 2005 federal ruling. However, others – especially in the continent least responsible and most vulnerable to global warming, Africa – may have future recourse, perhaps under ATCA. The defendants agreed to important concessions in the settlement, rather than monetary damages; both will incorporate CO2 emissions into future planning (see http://www.foe.org/climatelawsuit).

While the ecological debt doctrine continues to be built, there is ongoing interest in contestation of Illegitimate and Odious
Debts associated with African dictatorships. In the wake of Ecuador’s January 2009 debt default, this appears to be a promising grassroots pressure discourse, since so many African countries have residual or historic debts associated with the financing of dictators by Western governments and banks. Given the inadequacy of the 2005 G7 finance ministers’ concessions (the Multilateral Debt Relief Initiative) just prior to the G8 meetings in Gleneagles, a movement began to promote a ‘Fair and Transparent Arbitration Process’ (FTAP) which meant to promote cancellation – or if not, then repudiation – of African external debt. The group Afrodad (2009, pp. 2–3) lists several parallel initiatives whose strategic orientation would be consolidated in a March 2009 Johannesburg conference:

i. The Norwegian Government’s (2005) declaration explicitly expresses the intention to support arbitration on illegitimate debts: ‘The Government will support the work to set up an international debt settlement court that will hear matters concerning illegitimate debt’.

ii. The Helsinki Process on Globalisation and Democracy, created at the initiative of the Finnish Government in co-operation with the Tanzanian Government in 2002 also promoted novel and empowering solutions to the dilemmas of global governance.

iii. The Italian Parliament passed a law on debt relief in the summer of 2000, Art. 7 of which requests an examination of present debt management. Under the title International Regulations on Foreign Debt this article reads: The Government will propose, to the relevant international institutions, the starting of the necessary procedures to obtain a ruling from the International Court of Justice on the consistency between the international regulations governing developing countries’ foreign debt and the general framework of legal principles and human and people’s rights.

iv. During a Conference in Uruguay’s Parliament the Montevideo Declaration calling for FTAP was formulated, and signed by Latin American Parliamentarians.

v. The ACP-EU Joint Parliamentary Assembly demanded FTAP in 2000, believing ‘that consideration should be given to the creation of an International Debt Arbitration Panel to restructure or cancel debts where debt service has reached such a level as to prevent the country providing necessary basic social services’.

vi. The High-Level Regional Consultative Meeting on Financing for Development, Asia and Pacific Region (Jakarta, 2–5 August 2000, session 1) called for: ‘There is a need for an international bankruptcy procedure. It should also be ensured that private debt does not become government debt’.

vii. At the African Union’s Experts’ Preparatory Meeting in Dakar 2005, the President of the Republic of Senegal argued that any lasting solution to Africa’s debt crisis must first and foremost be based on an audit – a ‘radioscopy’ – to ‘make known the amount to be repaid’, recognizing the principle that debt should be repaid. This is a clear call to tackle the problem of illegitimate debts and debts that would not exist in the case of debtors in the North where basic legal principles of debtor-creditor relations are respected.

viii. The Outcome document from the International Symposium on Illegitimate External Debt held in Oslo, Norway, 20–23 October 2008 called for Litigation/arbitration: ‘Specific contracts concerning debts exhibiting strong signs of illegitimacy should be considered for referral to arbitration or litigation, with a view to establishing relevant practical precedents’.

ix. Informal summary of the hearings with representatives of civil society and the business sector on financing for development (New York, 18 June 2008) also called for impartial and transparent processes towards resolving debt disputes,
where parties were given equal treatment and judgments were based on impartial evaluation of cases.

x. AFRODAD conducted national and regional FTA campaign launches in 2008, in Nigeria, Democratic Republic of Congo and Kenya, where participants demanded justice through an impartial and transparent process towards resolving debt disputes.

These are mainly elite processes, and suffer from the broader cul-de-sac of global governance paralysis, in which since the Basel Convention on Trade in Toxics (1992) and Montreal Protocol on ChloroFluoroCarbons (1996), there have been no world problems tackled effectively (consider the failed Doha Agenda of the World Trade Organisation, United Nations reform, Bretton Woods democratisation, the Kyoto Protocol). Nevertheless, Afrodad (2009, p. 3) concludes, ‘We are deeply convinced that despite its own weaknesses as a global institution, the UN remains the most suitable place to establish an arbitration court because of its legitimacy across nations’.

In contrast, there are a myriad of other more militant, grassroots-driven strategies presently at work (Bond 2009), exemplified by historic AIDS medicines’ victories against Big Pharma and the US and South African governments by the South African Treatment Action Campaign (TAC) and their international supporters (ACT UP! in the US, Oxfam and Medicines sans Frontiers). These included two crushing 2001 defeats for TAC’s opponents in the courts, including South Africa’s Constitutional Court. Other anti-corporate victories have been claimed by civil society members of the Africa Water Network, especially Accra’s Campaign Against Privatisation and Johannesburg’s Anti-Privatisation Forum and Coalition Against Water Privatisation. In the wake of years of militant protest, the latter groups won an April 2008 High Court victory against the public agency Johannesburg Water (managed from 2001–06 by the giant firm Suez of Paris), resulting in a judgment doubling the universal Free Basic Water allocation to 50 litres per person per day and banning prepayment meters, in a case the state appealed and which is likely to go to the Constitutional Court as well.

It is becoming clear, in such cases, that it is only in the mix of radical social pressure – ‘tree-shaking’ – and the power of the courtrooms – ‘jam-making’ – that the threat to corporations which exploit Africa can be maximised.

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Endnote

1. The suits were led by ‘Khulumani Support Group and 90 others’; ‘Digawamaje et al.’; and ‘Ntsebeza et al.’, subsequently consolidated in a 2007 counter-suit, ‘American Isuzu Motors et al. v Ntsebeza et al.’

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Mozambique: The Panic and Rage of the Poor

Joseph Hanlon

Frightened, poor people in Mozambique have killed Red Cross volunteers, a policemen, neighbours and strangers. In the first three months of 2009, at least 20 people were killed in urban lynchings, three were killed for stealing rain, and 16 people died in violence related to cholera.

Key to all these incidents is desperate poverty and hunger. For a decade Mozambique has been a donor darling for following the neoliberal free market development model, reporting GDP growth rates of 6–7 per cent per year, and claiming dramatic falls in poverty levels. But the claims of reducing poverty have been contested, in part because child malnutrition is rising (Hanlon and Smart 2008, pp. 57–70). ‘The distance between rich and poor is widening’, admitted the Mozambique self-evaluation submitted in February 2009 as part of the African Peer Review Mechanism evaluation of Mozambique. The statement is important, because until now the government and donors have stressed claims for poverty reduction and tried to refute evidence of deepening poverty. In an accompanying statement, Lourenc¸o do Rosario, president of the National Peer Review Forum, warned that ‘social exclusion and maldistribution of wealth could constitute a space for conflict’. In fact, this conflict is already happening.

In poor urban areas, people live in flimsy houses with no electricity or street lighting, and complain of increasing nighttime crime, often by people armed with knives or machetes: housebreaking, mugging, rape and thefts of food from gardens. They claim that if they turn criminals in to the police, they are quickly released in exchange for a small bribe, so they have taken to dispensing justice.
with their own hands. In 2008 at least 50 people were killed in lynchings, but in the first 10 weeks of 2009 the rate had doubled to two a week (Notícias, 13 March 2009). The word ‘linchar’ has entered into Portuguese for executions by mobs, based on ‘lynch’ in American English, used for mob killings, particularly of black people in the US south in the nineteenth and twentieth centuries. In Maputo, alleged criminals are killed by necklacing — putting a tyre around their neck, filling it with petrol, and setting it alight — a method used in South African townships in the 1980s against alleged apartheid spies.

The government’s own statistics show that urban poverty is increasing. Under the present economic model, the number of formal sector jobs is falling. Large demonstrations in Maputo on 5 February and then four other towns against the high cost of living shocked Mozambique. These demonstrations, organised through text messaging, were led by young people from the informal sector, which blocked roads into the capital, effectively closing Maputo. At least five people were killed and more than 100 injured, many shot by the police. Rogerio Sitoe, editor-in-chief of the government owned daily, Noticias, responded with a remarkable column, arguing that the root cause was ‘the religious way we applaud and accept the prescriptions of the World Bank and International Monetary Fund’, when these are really ‘poison prescriptions’. They have destroyed jobs and failed to promote agricultural development, and this has ‘contributed greatly to the impoverishment of the countryside and forced a migration to the cities, particularly of the youth’. The government needs its own development policy and needs to stop treating World Bank and IMF statements as if they were ‘bible verses’. A subsequent letter to the editor was published saying the demonstrations were not vandalism, but a strike by the people demanding their rights. A columnist said the demonstrations were useful, because before the riots the elites simply did not understand the economic crisis was not just of the poor, but of the middle classes (Notícias, 15, 18, 19 February 2008).

In a tour of Maputo poor neighbourhoods in mid-March 2009, first lady Maria da Luz Guebuza told young people they had to work harder to make their way in the informal sector. She said that the state pays for teachers and education, after that it is up to young people themselves. But the young responded by saying that unless jobs were created or they were given help to be self-employed, crime would continue to increase (Fauvet, 2009).

Rural Hunger and Cholera

Meanwhile, the crisis is also growing in rural areas. In mid-March the government announced it had a surplus of 75,000 tonnes of maize, but admitted that marketing failures meant that it did not reach areas of hunger. The poor do not have money to buy food, so private traders are not interested in going to remote areas.

In Nicoadala district in Zambezia province, local people are accusing the state of locking up the rain and only giving it to better off farmers. In mid-February three people were killed and six injured, accused of diverting the rain. One farmer was quoted by the Sunday newspaper Domingo as saying: ‘In the farm over there, something is growing, but on mine, nothing. How is it that my neighbour can eat and I can’t?’

Cholera is endemic in most of Mozambique, with 15,000 cases notified between the start of the most recent outbreak in October 2007 and early 2009. Of those, 170 people died — a mortality rate of 1.1 per cent, which is considered low, and results from an effective cholera identification and treatment programme. But
over the past decade, anti-cholera programmes have been a source of much tension in coastal areas of northern Cabo Delgado and Nampula provinces.

On 6 January 2009 an angry mob burned down three cholera treatment tents that had been set up on the beach in Pemba, Cabo Delgado. The mob also attacked the houses of the neighbourhood secretary and his deputy, who were forced to flee to the police station. They were accused of allowing the tents, to spread the disease rather than treat it. Confusingly, in subsequent meetings people from the community accused the municipal authorities of doing nothing to stop the spread of cholera and of refusing to come to their community. On 18 January in Mecufi, on the coast south of Pemba, an eight-person anti-cholera brigade was attacked and beaten – again accused of spreading the disease.

Then in Quinga, on the coast of Mogincual district in Nampula, on 25 February 2009 two Red Cross volunteers who were part of a brigade publicising anti-cholera messages, which include putting chlorine in wells, were beaten to death, accused of poisoning the wells with cholera. Then three days later, in Angoche district (just south of Mogincual), protestors attacked health workers and accused them of spreading cholera. They were already being protected by the police, so the mob attacked the police with knives and spears, disembowelling and killing a police sergeant and seriously injuring two other policemen. On the same day in Moma district (south of Angoche) a mob attacked a community leader and accused him of putting cholera in the wells; two policemen protecting him were hospitalised.

Protests against those accused of spreading cholera continued after the murders noted above. In Quinga, three people were arrested but the crowd blocked the road to prevent them being taken out of the village; 37 Red Cross volunteers fled. On 18 March police arrested a number of people in Quinga and took them to Liupo, the Mogincual district capital. Liupo has no court, so they had to be held until they could be taken to Angoche to be tried and charged. The police were clearly frightened by what had been done to their colleagues in Moma and Angoche, so they pushed 48 people into the tiny single cell in Liupo police station. Thirteen people died of suffocation over night (three senior police officers from Liupo have been arrested).

Driven by Fear

Coastal Nampula province is one of the poorest areas of Mozambique. In 1992–93, Mogincual was the centre of an outbreak of konzo (tropical ataxic neuropathy), an irreversible paralysis of the legs, and cases have been reported regularly since then (Ernesto et al. 2002). Cassava roots contain cyanogenic glucosides which can cause paralysis if eaten in quantity when the roots are not adequately processed; this occurs only in periods of severe hunger when there is little other food. In early 2009 it was reported that hunger was again sweeping the district due to a poor harvest caused by drought and cyclone Jokwe in 2008. The Mogincual district Director of Health said the return of konzo was ‘inevitable’ (Noticias 27 February 2009). Fifteen schools in Quinga closed in the early March 2009 after 10,000 of the 12,000 enrolled primary school pupils abandoned classes, according to Mogincual Education Director Agostinho Mendes. He said their families were fleeing the area, mainly due to hunger, but also because of the cholera and violence.

On 19 March, the Mozambican Red Cross (CVM) said that in Quinga people attacked volunteers riding bicycles and wearing Red Cross T-shirts ‘because they suspected they had money’. A house belonging to one of the murdered volunteers was burnt down, and two
others were destroyed, the statement said. In addition, bicycles used by the volunteers were stolen, and some were destroyed. In Angoche, 13 houses of Red Cross volunteers were destroyed.

This is a repeat of similar incidents. In September 2006 a mob of 70 people armed with knives and machetes attacked an anti-cholera brigade of Save the Children, accusing them of putting cholera in the wells, in Nacala-a-Velha, again in coastal Nampula province. In December 2001 angry mobs in Nacala-a-Velha and neighbouring Memba district attacked anti-cholera teams, non-government organisations workers with bicycles and motorcycles, and police. Particularly notable was that they attacked traditional leaders (régulos, mapewé) and local government officials. More than 100 houses were destroyed and at least one person was killed.

Earlier protests in 2001 were studied by Carlos Serra (Serra 2003) in ways that remain highly relevant to the present incidents. Three obvious factors play a role. First the words ‘cholera’ and ‘chlorine’ are very close, in Portuguese as in English. For people who do not have a good understanding of disease mechanisms and only know that cholera comes from the water, the difference between putting cholera or chlorine in the water may not be clear. Second, when health officials warn that cholera is coming, local people ask: How do they know? The obvious answer is they must be bringing it. Third, this is a area of high tension between the governing Frelimo party and the opposition Renamo, which has some of its strongest support in northern coastal areas. The incidents this year come after a hard-fought local election in November in which the ruling Frelimo party won the three coastal cities of Nampula province, outing incumbent Renamo mayors.

But the most important and shocking finding of the study was that poor people strongly believed that the rich and powerful wanted to kill them. In a climate of distrust and disempowerment, the poor responded violently against outsiders who they assumed were putting cholera in their water to eliminate them. In interviews in Memba, local people said that the two main NGOs there, SNV and Save the Children, had not done anything practical to help the people and had failed to carry out their promises. Similarly, local chiefs and government officials were not seen to do anything useful for the people – indeed, they were accused of accepting money from the outsiders who brought the cholera. This whole picture was reinforced when a health worker under attack took refuge in the local SNV office (Serra 2003, pp. 38–40).

The Serra study notes that protests were often led by unemployed youths who saw no future for themselves, and whose actions had the tacit backing of their elders. It became a protest against authority figures – régulos, government officials and NGO workers, who were seen as distant, arrogant and, most importantly, not delivering. The red motorcycles of SNV extension workers, driven dangerously and at high speed though villages, became a strong symbol of arrogance and distance.

The events of 2001 have a number of more recent resonances. The 5 February 2008 riots in Maputo were led by semi-employed youths from the informal sector who, as in Memba, had the implicit backing of their elders. It became a protest against authority figures – régulos, government officials and NGO workers, who were seen as distant, arrogant and, most importantly, not delivering. The red motorcycles of SNV extension workers, driven dangerously and at high speed though villages, became a strong symbol of arrogance and distance.

The 5 February 2008 riots in Maputo were led by semi-employed youths from the informal sector who, as in Memba, had the implicit backing of their elders. In their statement in March 2009 on Quinga, the Red Cross highlighted the way the better off, senior figures or those with bicycles, were targeted. The local ‘better off’ in this area are still quite poor, but the hungry see them in league with outsiders who bring cholera.

In his blog, Carlos Serra (8 March 2009) recounts a story from Muidumbe district in Cabo Delgado. Between June 2002 and May 2003, 18 people were lynched – accused of magically commanding
seven lions who ate 46 local people. What he found interesting was that ‘those accused of commanding the lions were all important people – the district administrator, chiefs, members of Frelimo, a local businessman, etc’.

Serra and his team concluded that the protests against chlorine in the water revealed ‘a profound disquiet and lack of confidence in the state’. But the campaign against chlorine in the water was not a campaign against the state or against modernising, but rather just the opposite. It was a protest against a state that had become distanced from the people, which only appeared before elections, and which increasingly failed to provide services and a better standard of living. It was not against modernity, but against the failure to provide the fruits of development.

For Carlos Serra (10 March 2009), lynchings and the cholera and rain riots in the north are all ‘messages of protest’ against insecurity and especially against growing social inequality. He argues that ‘these protests and demonstrations are products of insecurity, uneasiness, and social disequilibrium’, being exercised in culturally ancient forms, expressed in terms of magic and witchcraft. They may seem incoherent, but that ‘hides a terribly coherent logic based around want’. He stresses that despite the attacks on authority and state figures, it is really an appeal for help and for increased state support in these communities. He also predicts that there will be more events like the 5 February 2008 riots in Maputo against price rises.

Modesty Called For

Finally, some modesty is called for on our part. We ‘know’ that chlorine in water helps to prevent the spread of cholera, and thus will ‘know’ that local people were wrong in their belief that putting chlorine in the water was a cause of cholera. But how different is the cholera debate in Nampula from the HIV/AIDS debate in South Africa, in which the President himself, one of the world’s most respected leaders, questioned the wisdom and understanding of the some of the world’s most eminent scientists? Or consider the donors, IMF and World Bank who imposed the neoliberal model and accused those of us who disagreed of being as ‘stupid’ as the peasants opposed to chlorine in water – only to discover after 20 years that neoliberalism brought a world economic crisis instead of development.

Objections to chlorine may be scientifically unfounded, but reflect a well-founded social and political understanding. If a nurse or health post worker normally demands a bribe to provide proper treatment, why should they be trusted when they say they are giving chlorine free? If an arrogant NGO helps only a select few, why should it suddenly be trusted to help the poorest on a key health issue? If government actions have only led to increasing poverty and loss of jobs, why trust the government now? If local chiefs and party secretaries have used their links with the outside to collect taxes and increase their own power, why should they be trusted to help now? The poor have every reason to ask if the sincere priests and health workers and NGO staff sent into rural areas are not just an attempt to build up trust so that the poor can be better exploited. They have every reason to distrust the local leaders who ally themselves with the new outside exploiters.

In a time of hunger when people see no hope of improvement in their lives, perhaps the passive and violent resistance to putting chlorine in local water supplies should be seen as local people making a desperate attempt to regain some power – as a disempowered group finally taking a stand to defend its very survival.
Post-election Kenya: Land, Displacement and the Search for ‘Durable Solutions’

Samir Elhawary

Accusations of irregularities during the December 2007 elections in Kenya sparked widespread violence. Over 1000 people were killed and an estimated 500,000 displaced from their homes. Apart from the immediate humanitarian implications, the economic cost of the crisis was put at over Ksh100 billion (around $1.5 billion). Jobs were lost, and people were unable to harvest or cultivate their farms. Meanwhile, the ethnic character of the violence put Kenya’s coherence as a nation in doubt (Africa Research Institute 2008). These events took the international community by surprise, not least because the country is usually held up as a model of stability in a largely fragile region. Yet violence and displacement accompanied elections throughout the 1990s, with some commentators warning of future instability if the underlying causes of this violence were left unresolved (IDMC 2006). Central to both past and current upheavals have been long-standing disputes over land ownership.

Post-election Violence, Displacement and the Humanitarian Response

The violence began when Kibaki’s Party of National Unity (PNU) declared victory in the elections. The opposition Orange Democratic Movement (ODM) claimed widespread irregularities and fraud, sparking rioting across the country between supporters of the rival parties. The unrest enabled some groups to act on long-standing grievances over land, and forcible appropriation has led...
to large-scale displacement, particularly in the Rift Valley and western Kenya.

Estimates of the number of IDPs at the height of the crisis stood at around 500,000, although patterns of displacement are fluid and accurate data was difficult to obtain. What seems clear is that many of the displaced – perhaps as many as half – were not in camps, but sought refuge with host families, often in their so-called ‘ancestral homelands’. This group of IDPs included landowners and farmers from the Rift Valley who fled to nearby towns and camps; migrant workers from the Rift Valley and Central Province, who moved back towards western Kenya; and urban dwellers and business owners from main cities such as Nairobi, Kisumu, Eldoret, Nakuru and Naivasha (OCHA 2008). These are in addition to pre-existing IDPs displaced by clashes during the 1990s, mainly located in Molo, Kuresoi, Burnt Forest and Mount Elgon. A further 12,000 refugees fled across the border into Uganda.

The Kenyan government led the humanitarian response through the Ministry of Special Programmes (MoSP). Within the ministry the National Disaster Operations Centre acted as the coordinating agent, with the Kenyan Red Cross (KRCS) the official implementing partner. The government’s response was supported by international organisations, with an Emergency Humanitarian Response Plan launched in April 2008 for US$207 million (UN 2008). There was also a concerted response by civil society organisations, particularly Church associations such as the National Council of Churches of Kenya (NCCCK), which has historically played a significant role in assisting IDPs.

The basic needs of those that were displaced in camps, in terms of protection, food, education, health, water and sanitation, were largely met, although the humanitarian response suffered from a lack of access due to insecurity, with roadblocks delaying the provision of relief. There were some reports of national staff being targeted because of their ethnicity. Sexual exploitation, mainly of women and children, was also widely noted, in the camps and elsewhere (IRIN News 2008). Furthermore, with the passage of time and the arrival of the rainy season, concerns were raised over conditions in some of the camps. The fate of displaced people outside the camps was – and to a certain extent remains – unclear. Accurate data do not exist and there is no systematised mechanism to identify, locate and assess their needs and intentions. This is a significant failing by the government and the humanitarian community.

For many displaced people, the concern remained security in home areas: they felt unable to return until the government addressed this issue, both in terms of physical security and in its wider socio-economic and legal sense. Unless the underlying causal factors of displacement are addressed, the prospects for durable solutions will remain bleak and conditions could deteriorate and see a relapse of violence. Here, resolving disputes over land must play a central role.

The Land Question and Displacement in Kenya

Internal displacement is a recurring theme in Kenya’s recent history. During the colonial period, British land policy favoured white settler agriculture, entailing the dispossession of many indigenous communities’ land (mainly the Kalenjin, Maasai and Kikuyu) across the Rift Valley and Nyanza, Western and Central provinces – the so-called White Highlands (Kanyinga et al. 2008). This process was legalised with the implementation of an individual freehold title registration system at the expense of customary mechanisms of land tenure (KLA 2004a). The land grievances that this colonial dispossession gave rise to were aggravated by Jomo Kenyatta’s independent
government. Kenyatta maintained the system of freehold land titles and did not question how the land had been acquired. To compensate the displaced, the government began a series of resettlement schemes based on a market system, but favoured those with the financial means to acquire land (KLA 2004b). Meanwhile, corruption and ethnic politics supported patronage networks and favoured certain communities, particularly the Kikuyu, who settled in the fertile areas of the Rift Valley, at the expense of others, such as the Luo, the Maasai and the Kalenjin.

These land tensions were further exacerbated by Kenyatta’s successor as president, Daniel arap Moi. In response to the political threat posed by the advent of multi-party politics in the 1990s, Moi (a Kalenjin) sought to portray the opposition as Kikuyu-led, and multi-party politics as an exclusionary ethnic project to control land (Klopp 2006). This entailed evoking majimboism, a type of federalism that promotes provincial autonomy based on ethnicity. To recover ‘stolen’ land, Kikuyu were evicted from the areas they had settled in the Rift Valley and western Kenya (Kamungi 2007). Associated clashes throughout the 1990s left thousands dead and over 350,000 displaced, allowing Moi to gerrymander elections in 1992 and 1997 (Klopp 2006). Rampant land-grabbing further undermined customary mechanisms of land governance, while growing hardship among the majority poor and rapid population growth increased pressure on the country’s arable land.

The displacement crisis following the 2007 elections is thus not an anomaly; rather, it is part of a sequence of recurrent displacements stemming from unresolved and politically aggravated land grievances, in a context of population growth, poor governance and socio-economic insecurity. Simply focusing on facilitating the return of people displaced in the most recent crisis, in the absence of efforts to address the underlying structural causes, risks creating the conditions for further rounds of violence and fresh displacement.

**Humanitarians and Land**

Humanitarians have a poor track record when confronted with land issues. Agencies have often lacked an adequate understanding of these issues (ownership, access and use), and have tended to dismiss the problem as too complex, politically sensitive or simply outside their remit (Pantuliano 2009). This is troubling as conflicts over land often drive complex emergencies, particularly in agrarian societies where land is central to livelihoods. Forced displacement and appropriation can be a means to reward allies, acquire or secure access to resources, manipulate elections or create ethnically homogenous areas (de Waal 2009). Even where land is not a central driver, secondary conflicts can emerge, particularly if there is protracted displacement and land is occupied opportunistically. The result is often overlapping or competing land rights and claims, lost or destroyed documents, lack of adequate housing stock and increased land pressure, often in the absence of an institutional framework that can effectively resolve these conflicts (Huggins 2009).

Policy responses usually favour returning populations to their areas of origin or habitual residence and the restitution of land and property. Often, however, displaced people have no land to return to, or are unable to access their properties. They may have had no alternative but to occupy someone else’s land, or they may be in direct competition for land with other groups, including the state (Alden Wily 2009).

These shortcomings stem from the manner in which the humanitarian community conceptualise emergency contexts. They are understood as a breakdown or temporary aberration from a
pre-conceived state of normality in which it is the role of aid agencies to provide palliative relief until there is a perceived return to that normality (Duffield 2007). In terms of forced displacement, once a conflict is deemed to have ended or a peace agreement signed, humanitarians seek to return and reintegrate those that fled to their areas of origin. Yet the relationship between war and peace is fluid; peacetime can often be characterised by different types of violence such as sexual violence or an increase in homicide rates. Peace does not necessarily lead to emancipation or freedom from exploitation and may actually be characterised by a structural violence that reinforces grievances and can lead to further conflict or a return to war. Therefore, simply returning to what was conceived to have existed before the war can reinforce these structures of violence and recreate the conditions that originally led to the outbreak of war or large-scale political violence. As David Keen (2008, p. 186) asserts, ‘we need to ask whose peace? Peace on what terms? Peace in whose interest? Peace negotiated by which individuals or groups?’

The government and humanitarian community need to ask these questions in the post-election Kenyan context to ensure that any search for durable solutions for the displaced tackle some of the underlying causes of conflict. Returning to pre-election Kenya without resolving key grievances will simply sow the seeds for future violence and displacement.

The Search for ‘Durable Solutions’

Despite continuing political uncertainty after the power sharing agreement, the Kenyan government called for those displaced by the post-election violence to return to their homes. In order to support this process, Operation *Rudi Nyumbani* (Return Home) was launched in which a fund of Ksh1bn ($15 million) was established, with the international community asked to contribute a substantially larger amount. The fund was administered by the newly created Mitigation and Resettlement Unit within the MoSP. In this endeavour, the government has sought to increase physical security in the areas from which people were displaced, rehabilitate key services, provide assistance for the first three months of return and promote and engage in reconciliation activities (NAIC 2008).

The government has pledged to adhere to international guiding principles on IDP return, resettlement and reintegration. In addition, the Inter-Agency Standing Committee (IASC) has developed a framework designed to ensure a ‘durable solution’, covering return, relocation (settlement in another part of the country, including movement to ethnically homogeneous areas or so-called ‘ancestral homelands’, where the IDP has links to extended family or to an identifiable ethnic group) and local integration in areas of refuge (IASC 2008). As is usually the case in situations like this, the preferred option, for the government, donors and the humanitarian community, is the return of the displaced to their areas of former residence. This is seen as less controversial than other options, which might lead to significant changes in the structure of a society, and is a visible and quantifiable process. Furthermore, it is in line with international standards such as the Principles on Housing and Property Restitution for Refugees and Displaced Persons (the Pinheiro Principles), which call for the restitution of land and property to the displaced.

In an attempt to show that the crisis would be over quickly, the government estimated that all IDPs would return in 100 days. Predictably, this did not occur, but since February 2008 the government estimates that over 290,000 IDPs have left the camps; however, many have not
returned to their homes and are currently residing in transit camps, often located in proximity to their farms or contain an area of land that IDPs can cultivate (OCHA 2009). There are an estimated 42,574 IDPs living in these transit sites, many of which lack basic services, but nonetheless may become permanent settlements if their displacement becomes protracted. The fate of those that did not flee to camps is uncertain, although there are reports from agencies that many host families are unable to continue supporting their needs and there are fears that the displaced may start making claims on their land.

The main obstacles to return are continuing insecurity and uncertainty around the resolution of key land grievances. Some IDPs have spontaneously formed community lobby groups to pressure the government in supporting durable solutions. They are calling for preconditions, such as assurances on security, systems to compensate for or restore lost property and measures to ensure that land issues are resolved. Many IDPs, particularly those with no, lost or destroyed titles, are sceptical that such conditions will be met, and are asking to be resettled in alternative sites, including in main urban areas such as Nairobi.

Given the complex conditions IDPs have placed on their return, pushing for a rapid return is both unfeasible and unhelpful, and can potentially lead to some being returned against their will. Nor does such a rapid response allow time to instigate the processes needed to ensure a viable, durable return. Even if the conditions for return are deemed to be in place, such a process should not be framed as a durable solution but rather a temporary measure until such time as clear processes are established to tackle unresolved land issues and other related grievances. In order to be sustainable, such processes must enjoy the support of leading local and national politicians.

The alternatives to return outlined in the IASC framework are relocation and local integration. IDPs who do not have land or who are too traumatised to return seem to favour resettlement on alternative sites, but this is a complex process and cannot be considered durable unless accompanied by a resolution of the land question more broadly. In any case, resettlement may simply aggravate existing land grievances, particularly in areas such as Central and Nairobi provinces, where population density is high and land scarce. Furthermore, solely focusing on those that have been recently displaced, as is currently the case among both the government and the humanitarian community, will create resentment among long-term IDPs (including the wider landless), who have been waiting many years to be resettled and are currently living in very difficult conditions.

Relocating IDPs to so-called ‘ancestral homelands’ is of particular concern. While this may offer a temporary refuge for communities that have retained strong ties with their extended families, many host families are starting to reject the continued presence of displaced people for fear that they will make claims on their land. Resettlement in areas of ethnic kinship also sets a dangerous precedent as it implicitly supports the goals of those engaged in violence and displacement as a means of ethnically cleansing certain regions. It also fails to take into account that the concept of ‘ancestral homeland’ is often an artificial construction of the colonial state, rather than a reflection of historical rootedness (Lonsdale 2008). Ethnicity is not a static, homogenous entity, but rather a fluid concept subject to generations of intermarriage. Any efforts to return IDPs to presumed ‘homelands’ would need to determine which communities actually belong to certain areas, and how far back in history one would need to go to find this out, a process that would surely further divide Kenya’s
communities and could even threaten the country’s cohesion.

The third possibility – integrating the displaced in the areas where they have sought refuge – depends on their characteristics and the willingness of both the displaced and host communities to accept integration. In reality, pressures on local resources are already high, and integrating IDPs in rural areas is probably not going to be feasible. In the towns and cities unemployment is a serious concern, particularly among young people, and access to land and housing is already inadequate. Despite these problems, if the political process stalls and land issues are not effectively tackled, urban migration will probably further accelerate, which means that the government and humanitarian agencies must prepare to support integration in urban areas. These efforts need to be linked with the government’s wider recovery strategy, which aims to improve services in slum areas and increase employment opportunities, and must be carried out in partnership with development agencies concerned with tackling the wider problems of socio-economic insecurity in the urban peripheries where the bulk of IDPs live. Questions of land tenure also demand attention: many of the displaced squat in public buildings or other public spaces, threatening the informal property interests of the existing urban poor (Alden Wily 2009). The expertise of development agencies engaged in urban planning is increasingly needed to support measures to secure tenure for the displaced and the wider population of concern.

Any solution to displacement, whether temporary or durable, must enjoy the active participation of Kenyan civil society, particularly the faith-based organisations that have historically played an important role in supporting IDPs (Klopp 2006). These groups are important stakeholders in promoting dialogue, reconciliation and peace-building activities; and they bring important pressure to bear on the government to effectively deal with the issues outlined in the political agreement between Kibaki and Odinga. These include a commitment by the government to resolve historical grievances, including land issues. A draft Land Policy has been developed in this regard, although its final content and adoption remains a contentious issue in Parliament. Furthermore, there are questions concerning where the resources will come from for its implementation and whether the government has the political will to reverse much of the land-grabbing that has taken place in the last few decades; many of the politicians implicated are still in positions of power. Pressure from civil society will be essential in shaping and driving this agenda forward.

Conclusion

Land issues are central to the dynamics of forced displacement in Kenya, with significant implications for humanitarian and recovery interventions that aim to support durable solutions in the aftermath of the violence that followed the 2007 elections. Even before the latest crisis, grievances over land had generated over 350,000 IDPs. Displacement is thus not a new phenomenon, and portraying return as a durable solution in the absence of clear processes to resolve the underlying causes risks embedding the conditions for further violence in the future. If a durable solution is to be achieved, historical grievances must be acknowledged and effectively addressed (Klopp 2002).

Indeed, although many of these grievances have been acknowledged, it is not yet clear whether adequate processes will be put in place to address them and whether there is sufficient political will to drive this agenda forward. As a result, many local communities oppose the return of displaced people and
displaced people themselves are not keen to return to contested areas. The possibility of coerced return raises clear protection concerns, particularly given the government desire to ‘resolve’ the displacement problem as rapidly as possible. The humanitarian community should be very cautious about facilitating return in the absence of adequate physical and socio-economic security. Well-informed advocacy, which incorporates land tenure expertise, is required to encourage the government to meet its obligations to ensure that the conditions for return are in place. If such processes are to represent a truly durable solution, they must be accompanied by an acknowledgement of historical grievances and the need for reconciliation processes. In the absence of such change, it is imperative that the humanitarian community monitors the fate of IDPs after their return, to ensure that their rights are protected and their needs are met, and not simply forgotten amongst the needs of the wider poor.

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Endnotes

1. The KRCS estimated there were 268,330 IDPs residing in camps, although it is widely believed among aid agencies that there were an equivalent number residing outside camps. See KRCS Operations Update, 29 February 2008, available from: http://www.kenya-redcross.org/highlights.php?newsid=61&subcat=1

2. The guiding principles on internal displacement are a set of principles based on international humanitarian law and human rights instruments to guide governments and international agencies in the provision of assistance and protection to IDPs.


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Global Crisis, African Governance and a Sense of Déjà vu

Graham Harrison & Reginald Cline-Cole

Crisis Governance

Since autumn 2007 and the collapse of the US sub-prime loans market, most of the centres of global capitalism have suffered a sharp economic slowdown. The contours of this crisis are as complex as the labyrinthine secondary markets that allowed professional financial speculators to dissemble, gamble and secure multi-million dollar incomes for themselves. However, there is no denying that global capitalism is undergoing a historically significant period of recession and turbulence, ‘the sharpest and most synchronised global downturn for generations’, if the UK Chancellor of the Exchequer is to be believed (Darling 2009). The recession has evoked references to the Great Crash of 1929/1930 and encouraged public intellectuals to make bold diagnoses and prognoses. It is clear, too, that the prognoses being mooted are relatively radical: it is no longer heresy to speak of re-regulation, nationalisation or capital controls; and it is certainly the case that the former orthodoxy of laissez-faire has been attenuated by a bundle of policy recommendations which consistently locate the state at the centre of proposed strategies for recovery. But while this might constitute evidence of the demolition of neo-liberal dogmas (Toussaint and Millet 2009), it offers little reassurance that neo-liberalism will be ‘revolutionarily transformed’ as a consequence, or that any resulting reconfiguration would not empower the political and financial classes, ‘the people who got us into this mess’ (Harvey 2009).

Crisis management, not liberalisation, is the real art of contemporary governance in the West. The governance of crisis in the West has thus far hardly excited the aspirations of progressive political movements based in a socialist critique of capitalism. Nor is there much evidence of a social-democratic ‘second movement’ against the marketisation of society as Karl Polanyi outlined. Rather, crisis management has been largely formulated in ways that rescue large private financial institutions and offer only the lightest of regulatory impositions. However, if Western state policy making is predictably faithful to existing structures of wealth and property, it is important to consider crisis management within a global context. After all, it is evident that the ticking time bomb of systemic asset overvaluation and loose lending in the US is affecting all parts of the world.

Global crisis is not simply ‘economic’; it takes place within a capitalist political economy which is, ab initio, structured through a system of nation-states which maintain a kind of formal sovereignty in tension with an extreme material inequality. It is hardly surprising then that ‘crisis’ is politically constructed in different ways, depending on state, region and history. The ‘Lockean heartlands’ of global capitalism rely – as they have done for at least 200 years – on the liberal political economy of a strong state.
The strong state is not alien to economic liberalism or political projects of neoliberalism in the post-second world war period. It is constitutive of the emergence of private property, industrial capitalism, empire, commerce, and social stability.

However, these liberal premises of the market order are historically and spatially specific, as David Harvey’s (2009) recent description of a US in crisis so clearly demonstrates. A global system of combined and uneven development – embodied in a states system as well as a global market – has constructed and reproduced a geography of spatially-contained and impoverished peoples who endure life under states that cannot ensure any standard of a minimally-tolerable conditions of life. Many states – mainly but not exclusively African – find themselves negotiating a series of unpleasant alternatives: the dispossession that seem to be the precursor for industrial capitalism; the institutional and material frailty that stymies efforts to ensure the ‘bare life’ of a population; and negotiation with a world economy over which there is little control. Even assuming that there is a social base for socially-progressive development (an issue often emaciated by liberal analysts into a concern with ‘political will’) in some states, the room to manoeuvre in order to construct unorthodox social and economic policy is minimal.

So, what kind of crisis governance might one expect in African states?

**Crisis . . . What Crisis?**

Crisis governance has been, to all intents and purposes, the year-on-year experience of African states since the late 1970s. The story is well-rehearsed: global interest rate rises, severe debt overhang, economic contraction, structural adjustment, more severe economic contraction, civil war and social unrest, external intervention in practically all areas of governance (largely uncoordinated and arrogantly pursued), and tight constraints on the use of state power to pursue any development strategy that is not ‘market conforming’.

However, although crisis management is nothing new for most African states, this does not soften the blow of the current recession, whose impacts, initially restricted, look set to intensify as ‘second wave’ effects extend beyond the financial/banking sector. Economic growth rates are predicted to decline (from 5.4 per cent in 2008 to 3.25 per cent in 2009), as commodity prices fall, foreign capital inflows decline, tax revenues and government social spending stagnate, and household economies are subject to even greater stress (IMF 2009, Manuel 2009). A UNESCO report estimates that reduced growth in 2009 will cost the 390 million people in sub-Saharan Africa living in extreme poverty around $18 billion, or $46 per person; it goes on to argue that ‘this projected loss represents 20 per cent of the per capita income of Africa’s poor – a figure that dwarfs the losses sustained in the developed world’ (UNESCO 2009). The poorest people are those who have fewest assets to employ for survival, who have the most unstable and onerous labour regimes, who live in the most perilous conditions for health and well-being and who have vulnerable coping strategies with limited individual and household insurance. They are the ones who will often encounter the global economic crisis in their specific situations as life-or-death, rather than a credit crunch. Meanwhile, World Bank operatives speculate publicly about the implications of the crisis for governance and conflicts in contexts where ‘institutions . . . tend to be so strained that ethnic tensions and confrontational politics can get worse when competition for scarce resources increases’ (see http://africacan.worldbank.org/will-the-economic-crisis-affect-governance-and-conflicts-in-africa).
New World, New Capitalism?

In light of the fragile nature of most African states and the declared brave new thinking of Western politicians, what do the most powerful states have to say about global crisis management, rather than their own national or regional concerns? The direct answer is: an increasing amount, but very little that is new or imaginative. The Millennium Development Goals have been virtually a fiction for some time now – the Gleneagles 2005 commitments to provide increased aid for social provision have not been respected, even though these commitments were in themselves very conservative. It is extremely unlikely that Western governments will want to talk loudly about their 0.7 per cent GDP aid commitments during this period when capitalist crisis has visited their own territories. Should the reader be in any doubt as to where the political priorities of Western states lie, consider the fact that there is as yet no commitment to the estimated $7 billion needed in increased aid for low income countries to meet key education goals, but $380 billion of public money was injected into Western banking systems in the last quarter of 2008 (Watkins, quoted in Afrol News 2009).

This is a point not lost on Africa’s policy makers. Thus Trevor Manuel (South Africa’s Minister of Finance) notes both the:

almost daily announcements of additions to fiscal stimulus packages in the rich world . . . whilst we remain paralysed because of our dependence on the Bretton Woods Institutions for fiscal support’; and how ‘those countries that have had their power enhanced by the economic growth model with its emphasis in financialisation of the past three decades have found the means to try and dig themselves out, whilst we remain trapped in a cycle of poverty. (Manuel, 2009)

However, this does not mean that Western governments or international institutions dominated by the West have nothing to say about crisis in Africa. Displaying a lack of imagination, and a threadbare imperialistic trope, the Managing Director of the IMF announces that ‘we must ensure that Africa is not left out’ of any solution to the global crisis. Meanwhile, New Labour has relied on its hackneyed normative language about Africa: Alistair Darling emphasises the West’s ‘moral imperative’ to help the poorest countries, most of which are in Africa; and declares, presumably with unintended irony, that ‘it is true that all politics are local. Now it is equally true, too, that politics are global. And so in the midst of the most severe world downturn for generations, it is essential that countries everywhere work together’ (Darling 2009). Yet if political leaders are to rely on narcissistic images of Western moral propriety to help ‘distant’ and impoverished Africa, then there is very little to expect here beyond some highly diluted new mechanisms to re-order debt repayments, balances between aid and debt, and perhaps one or two modestly resourced contingency funds (possibly channelled through, and administered by, the IMF, World Bank, etc.). There is little immediate prospect of the globalising of fiscal stimulus, which Watkins and Montjourides (2009), among many others, consider indispensable to limiting the contagion impact of the crisis on African and other poor countries.

However, perhaps there is another trend emerging within the international financial institutions, announced most strongly through a new World Bank report, Moving out of Poverty: Success from the Bottom Up. Rather like the World Development Report of 2000/2001 (but without the internal struggles concerning its messaging), the report boasts a formidable evidence based in 6000 interviews with ‘the poor’. The core claim of the report is that the poor can escape poverty through a ‘liberalisation from below’ which will allow the ‘individual hard work and belief in self’ of the poor to
translate into ‘ventures simultaneously to survive and get ahead’ (all quotations from Litvinski 2009). This is a form of neoliberal populism which has close affinities to Hernando de Soto’s (2001) global vision of successful capitalist development, based in a romantic notion of development which evacuates capitalism of its powerful tendencies towards highly disruptive social change, dispossession, and violence. This form of neoliberal populism (cf. Brass 2000) might be an idea whose time has come – just as the ‘Chicago Boys’ maintained Milton Friedman’s faith that their ideals of ‘shock therapy’ would gain their historic opportunity. It portrays poverty as a lack of opportunity that is both a result of poor state action and a lack of market infrastructure; it describes the poor as virtuous proto-entrepreneurs which lends this narrative a progressive garb; and it outlines a prospective of capitalism in African societies that is essentially socially-harmonious and positive-sum. Might this be the ‘new capitalism’ that allows the World Bank, IMF and others to do what they have done many times before: to reinvent and re-legitimise their interventions in order to maintain their claim to be the ‘voice of the poor’, as the IMF put it (in Litvinski 2009)?

How else do we explain why, among its more familiar references to ‘creating an export push’, ‘removing governance constraints’, ‘enhancing accountability and transparency’ and ‘fostering public-private partnerships’, the World Bank’s (2005) Africa Action Plan, which has at its heart a strategy to facilitate neoliberalism through corrective state action, infrastructure development and greater market expansion and integration, advocates greater inclusion of civil society and citizens in decision-making processes; a broadly shared growth; building the assets of the poor and women; and achieving as many of the MDGs as possible? Or that the IMF laments how the current economic crisis is threatening recent economic and social gains recorded by African economies and limiting the latter’s prospects for sustainable future growth, even while cautioning that in their responses, ‘policy makers must walk a tightrope between not aggravating the shock in aggregate demand on the one hand, while protecting hard-won gains in economic fundamentals’ on the other (IMF 2009)? Or, yet still, that gender specialists in the World Bank are concerned that the risks of a short-term response to the crisis will impact particularly badly on women, and would therefore prefer to see priority investment targeting women, who face moderate to high exposure to negative impacts of the crisis (Buvinic 2009)? Could it be that, ‘discredited though they may be, these two institutions are using the international crisis to return to the limelight’ (Toussaint and Millet 2009)? Harvey (2009) has suggested that neoliberalism has been fairly successful as a project for the restoration and consolidation of class power, and that while, as with previous crises, the current one will lead to a reconfiguration of class power, this restructuring will take place almost certainly in the interest of the capitalist/financial class, rather than the working class. For him, as for Trevor Manuel, among others, ‘other’ voices need to be heard to ensure that their interests are also taken into account in the restructuring of the state-finance nexus that is underway. We hope that ROAPE will, in some small way, help to give voice to these interests, while stimulating debate on, and promoting action around, calls for a fairer deal for Africa in this emergent global order.

Crisis and Reconfiguration: Issue 119

This issue carries articles that cover a range of themes organised loosely around notions of crisis and reconfiguration. Theodore Trefon’s article reflects upon the
presence of the state in the DRC and especially Lubumbashi. He reveals how state authority endures even within institutional contexts of collapse and broader social attitudes that are hostile towards state power. The key import of the article lies in its highlighting of the negotiated and informal nature of official power, a commingling of marketised social relations – the bartering for state services or bribes – and the evocation of cultural norms and attitudes to make claims on the state.

The articles by Agaptus Nwozor and Adekunle Amuwo, both on Nigeria, take us back to Harvey’s cautionary note regarding the dynamics of the politics of (post-)crisis restoration: the much older debt crisis rather than current credit crunch in Nwozor’s case, and the related long-running crisis of political legitimacy in Amuwo’s. The main thrust of Nwozor’s article is that the 2005 debt relief package of $US18 billion agreed between the Nigerian Federal Government and members of the Paris Club of creditor nations was represented as the product of a desire on the part of both parties to free Nigeria from debt peonage/bondage, and thereby release funds for sustainable long-term development. In reality it was a transaction designed to reinforce the power/influence of the political/financial elites at the national and international levels, with the Paris club using it to access Nigeria’s windfall earnings from high world market crude oil prices, while for the ruling elite in Nigeria, it offered an opportunity to try and perpetuate itself in power. He shows how the Obasanjo regime politicised the transaction, claiming it as a vindication of its stewardship of the country’s finances, including its unpopular economic reform programme, the National Economic Empowerment and Development Strategy (NEEDS). It was touted as evidence that the country had, after many long years, regained its sovereignty from the IFIs; it raised expectations of a significantly increased flow in development investment; and, finally, insinuated that this renaissance could be assured only under an Obasanjo presidency, which could be extended, if necessary, by reforming the constitutional requirement which limited a serving president to a maximum of two consecutive terms in office!

For Amuwo, whose main purpose is to explore the interface between economics and politics of elections in the Obasanjo era (1997–2008), this particular elite project was a manifestation, among many others, of the localisation of globalisation, including market reforms, which have ‘weakened nationalistic fractions of the state/political elite, led to the emergence of a largely externally-oriented national bourgeoisie and virtually removed politics from the public sphere’. Amuwo shows how financial and material resources privatised from the public sector during state divestiture programmes under NEEDS end up funding intra-party and inter-party political contests, which become little more than de facto exercises, not only in elite selection, but also the effective disenfranchisement of the majority. No wonder, as Nwozor argues, Obasanjo seemed less concerned with popular opposition to NEEDS, and widespread cynicism regarding the real and potential benefits of the debt relief package to Nigerians, than he appeared to be about the perception of Nigeria’s creditworthiness among its international development partners and/or its attractiveness as an investment destination to international capital.

In their different although complementary ways, therefore, and maybe more so than any others in this issue, these two articles reinforce the notion of post-crisis reconfiguration as both fiercely contested and unmistakeably a class project. Further, they also broach the subject of alternatives to the post-colonial, post-adjustment state and seek to open up discussions about the nature and composition of strategic alliances which might be needed to effect a much-needed structural and systemic transformation of Nigeria’s political economy.
As civil society, students and labour, among others, will feature prominently in any such alliance, it is appropriate that Leo Zeilig offers a broad-ranging overview of the role of students in social struggle in the next article. Mapping out the historical layering of nationalist, dependentista, and more recently more defensive or populist narratives of struggle, Zeilig provides a range of examples of progressive student politics throughout the continent. Zeilig suggests a broader political economy of impoverishment and hybridisation that is enabling a new set of activisms which open a potential broader solidarity with ‘the poors’ in many countries and especially the cities.

Next, Adrian Flint argues that Economic Partnership Agreements (EPAs) sound the death-knell of a trading regime between Africa and Europe, which was based on models of national development and differential treatment. Conforming vigorously – perhaps excessively – with the WTO’s neoliberal legislative framework, EPAs appear to lock in and ratchet up the progress of African economies towards liberalisation.

In our first Debates piece, Bracking and Cliffe discuss the externalised and neoliberal nature of current discussions of a ‘post-crisis’ Zimbabwe. Using Naomi Klein’s metaphor of shock, the authors argue that a vulnerable and traumatised state like Zimbabwe offers an open field for external development agencies – a field that affords little space for Zimbabwean popular voices.

Finally, it is the precise role that South African capital and the South African state play in this progression of the continent’s economies towards liberalisation, on the nature of South African imperialism, in other words, which Samson seeks to theorise. She argues that existing debates about South Africa’s role within the current conjuncture, as exemplified by the opposing interpretations of Ishmael Lesufi and Patrick Bond, fail to fully capture the nuanced dynamics of contemporary imperial processes. In her debates piece, Samson sets out a new approach to theorising this role, a task that takes on added significance in the light of the current global crisis.

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Endnotes

1. Title (ironically) taken from an EU summit in January 2009 convened by Nicolas Sarkozy in Paris.

2. ‘The poor’ have become the cardinal category for the ways in which the World Bank ‘sees’ the post-colonial world.

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Debates

(Sub)Imperial South Africa? Reframing the Debate

Melanie Samson

You can watch MNET’s hit soap opera Egoli in Dakar, eat South Africa’s version of peri-peri chicken at Nando’s in Maputo, make a withdrawal from a Standard Bank ATM in Harare, buy Ceres juice fresh from the Western Cape at Shoprite in Lusaka and do it all dangling a de Beer’s diamond from Botswana on your pinkie. As the post-apartheid South African state manoeuvres to ensure the implementation of NEPAD (New Economic Partnership for Africa) and assume the mantle of peace-broker, leader of the African Renaissance and voice of the continent, its imprint stretches as far and wide across the continent as that of South African capital.

With this kind of presence of both South African capital and the state in the rest of Africa it is not surprising that the word ‘imperialism’ is on many people’s lips. Whilst few deny the growing hegemony of South Africa on the continent, there is heated debate in academic and activist communities about how to characterise these developments. At one end of the spectrum Ishmael Lesufi (2004, 2006) sees them as evidence of South African imperialism; at the other end, Patrick Bond (2004, 2005, 2006) argues that South Africa is a sub-imperial agent of American imperialism.

So, what is South Africa’s role within the current conjuncture? Unfortunately the burgeoning Marxist literature on imperialism provides scant insight or guidance to the South African debate. New theorisations of imperialism trace the differences between contemporary imperialism in which the American state ensures the maintenance and reproduction of global capitalism, and previous forms of imperialism that were associated with inter-imperial rivalry and the extension of formal political control over other territories. The heated debates within this literature are primarily pre-occupied with determining whether states have been superseded (Hardt and Negri 2002) or continue to play a pivotal and even increasing role in imperialist processes (Meikins Wood 2005, Panitch and Gindin 2005); whether a transnational capitalist class has emerged as the driving force of empire (Skolair 2001, Robinson 2004); and whether the actions of the US are driven by hegemony in decline (Arrighi 2005, Harvey 2005) or its relative dynamism and strength (Panitch and Gindin 2004). When Third World states are considered they are generally constructed as objects of imperialist expansion and control and sites for accumulation by dispossession. Issues related to the agency of regional powers have received particularly scant attention. For example, although Harvey notes the rise of ‘sub-imperial’ states in East Asia (and Europe) as a result of their pursuit of spatio-temporal fixes (Harvey 2005, p. 186) he does not theorise their relationship to American imperialism. Therefore, coming to grips with South Africa’s role can make important contributions to broader debates on the dynamics of contemporary imperial processes.

However, the question of how to theorise South Africa’s role is not merely of academic interest. Arguing that South
Africa must be seen as a sub-imperial agent acting as a ‘proxy’ or conduit for American imperial interests has one set of political implications for those engaged in anti-imperialist struggle. Casting it as an independent imperialist force suggests, on the other hand, radically different targets for, and forms of mobilisation.

This article argues that the ways in which Bond and Lesufi conceptualise imperialism and sub-imperialism lead to problematic silences and exclusions and as a result neither theorist succeeds in capturing the nuanced social processes through which South Africa’s current role is constituted and contested. Ironically, neither refers to Ruy Mauro Marini’s initial conceptualisation of Brazilian sub-imperialism (1965, 1972) which, it is argued, provides a useful starting point for addressing the weaknesses and gaps within their frameworks. This article therefore seeks to reintroduce Marini into the South African debate and identifies how more recent writing from South Africa, as well as other contexts, can be drawn on to begin to build a new approach to theorising South Africa’s role.

The article begins by providing a brief overview and critique of the ways in which imperialism and sub-imperialism have been employed in the current South African debate. It then explores how Marini’s theorisation of sub-imperialism can overcome the rigidities and divisions in the current debate. The final section identifies additional elements which must be incorporated into a theorisation of sub-imperialism in the current conjuncture and avenues for future research.

Ishmael Lesufi and South African Imperialism

Lesufi seeks, in a 2004 article published in *Current Sociology* (Lesufi 2004) and a 2006 expanded, popularised version of his arguments (Lesufi 2006), to explain the South African government’s active promotion of NEPAD, a neo-liberal continent-wide development plan. He argues that after the democratic elections in 1994 South African monopoly capital was finally able to use investments in other African countries to help address a persistent crisis of over-accumulation (Lesufi 2004, pp. 814–817, 2006, p. 28). In his view, the development and implementation of NEPAD followed in capital’s wake and ‘simply rubber-stamps a process that was already underway’ (Lesufi 2006, p. 25).

Lesufi’s explanation of the state’s willingness to legitimise and meet the needs of South African capital hinges on his theorisation of the class-based nature of the state. For him, the working class experienced major defeats during the transition to democracy. He therefore asserts that with the transition, ‘the capitalist classes had achieved what they had failed to do over decades of struggle. They managed to secure a black, legitimate government to preside over their own programme’ (Lesufi 2006, p. 19).

Lesufi adopts an explicitly Leninist theorisation of imperialism as ‘capitalist accumulation in that stage of development in which the dominance of monopolies and finance capital has established itself’ (Lesufi 2006, p. 33). He asserts that ‘South African capital bears all the essential features of imperialism as conceptualised by Lenin’ (Lesufi 2006, p. 37) and that NEPAD is an expression of South African imperialism.

He tackles arguments that the South African state is sub-imperial head-on. For him:

*The idea of sub-imperialism is firmly located within the tradition that [erroneously] views imperialism as economic and political relations between advanced, less advanced and backward countries. In this context, the less advanced...*
countries like South Africa are seen as conduits for the advanced countries’ access to backward countries. Countries defined as sub-imperial are then described as sub-ordinated to advanced imperialist countries. There is also a sense in which imperialism is defined in geographic terms as a phenomenon that can only occur in the North, with everything in the South being victims of the northern monster…There is also a sense in which South Africa is seen as playing the role of a comprador state to US imperialism. (Lesufi 2006, pp. 34–35)

He rejects the position that South Africa is sub-imperial, both because he believes that such a position is based on an incorrect understanding of the nature of imperialism, and because it ‘exonerates states like South Africa from their role in imperialism’ (Lesufi 2006, p. 25).

Lesufi makes important contributions to the debate by deploying a theoretical framework that emphasises the role of internal class forces and the expansive needs of what he refers to as ‘South African capital’. However, despite his theoretical emphasis on class struggle, he provides a crude analysis in which the working class has been so defeated that it ceases to exert any influence on the interests and actions of either the state or capitalists. This is a gross misrepresentation of the position and power of organised labour, the South African Communist Party and emerging social movements in contemporary South Africa. It grants no autonomy to the state and no agency or interests to the ruling ANC. Somewhat problematically, within Lesufi’s account, the state simply executes the will of monopoly capital. Nor does he problematise ‘South African capital’, either by exploring the implications of the move by key ‘South African’ multinationals such as DeBeers and AngloAmerican to London, or by acknowledging the presence of foreign capital within South Africa.

Furthermore, although noting that neoliberalism was implemented in a range of countries in response to the crisis of over-accumulation, Lesufi attributes this to the actions of ‘capitalists throughout the world’, even while overlooking the critical role of the American state in the advent of neo-liberalism (Panitch and Gindin 2004, pp. 20–23). Despite noting similarities between the government’s Growth, Employment and Redistribution (GEAR) strategy, NEPAD and the policies of the IMF and World Bank, he does not consider that either institution, or American imperialism more generally, influenced the South African state’s policy choices. This is linked to his retention of a classical Leninist definition of imperialism, and the related notion of inter-imperial rivalry, in which each imperial state functions independently. Failing to heed Ellen Meikins Wood’s (2005) cautioning against adopting ahistorical theorisations of imperialism, Lesufi neither historicises the context within which Lenin was writing, nor explores the implications of the transformations in the international political economy, coupled with the rise of US imperialism, for the form and nature of ‘imperialist’ actions by the South African state.

**Patrick Bond and Sub-imperial South Africa**

By contrast, as a leading proponent of the ‘South-Africa-as-sub-imperial’ thesis, Bond has sought in a series of publications (cf. Bond 2004, 2005, 2006) to analyse the relationship between US imperialism and the South African state’s agenda in the region. In his view, investment in African infrastructure projects, and Cecil Rhodes’ attempt to ‘paint the map British imperial red from Cape to Cairo’, provided important outlets for over-accumulated European capital in the first period of inter-imperial rivalry (Bond 2004, pp. 149–150). Africa’s ‘looting’ through uneven and combined development played an important role
in that period and continues in the present day (Bond 2006). However, Bond argues that there has been a substantive shift in the form and nature of imperialism, which is now characterised by the hegemony of American imperialism. Following Harvey (2005) he argues that, ‘modern imperialism necessarily combines neoliberalism and ‘accumulation by dispossession’ in peripheral sites like Africa along with increasing subservience to the USA’s indirect, neo-colonial rule . . .’ (Bond 2006, p. 59).

Bond argues that liberalisation of trade and finance have cheapened Africa’s products for northern consumption and drawn the continent ‘deeper into global circles of crisis management’ (Bond 2005, p. 221). He elaborates a number of crucial, unmediated engagements between American imperialism and Africa, including increased deployment of US troops to the continent, the recruitment of African mercenaries, boosting funding to establish an African peace-keeping force, and using conditions attached to Millennium Challenge Account aid to advance America’s imperial interests (Bond 2005). Bond also meticulously details how the structural adjustment policies of the IMF and World Bank have re-oriented African states to facilitate accumulation by dispossession, the adoption of neo-liberal policies and the implementation of the American imperialist agenda across the continent (Bond 2006).

However, Bond notes that military spending alone cannot secure the imperial agenda of the US; and that, as so few countries qualify to receive Millennium Challenge Account aid, this has proven an ineffective imperial tool (Bond 2005, p. 27). Perhaps most significantly, he argues that:

\[ \ldots \text{thanks largely to capitalist crisis tendencies and the current orientation to accumulation by dispossession, imperialism can neither deliver the goods nor successfully repress sustained dissent in} \]

Africa, not least in sub-Saharan Africa, ripe with ‘state failure’ and ‘undisciplined neoliberalism’ (witnessed in repeated IMF riots). The ideological legitimation of ‘free markets and free politics’ requires renewal, therefore. For this, the US needs a sub-imperial partner . . . (Bond 2005, p. 223)

Bond argues that despite their ‘cheekiness’ the politicians in Pretoria have proven to be ideal sub-imperial partners (Bond 2006, p. 100). In direct contrast to Lesufi he locates the genesis of NEPAD in the need for a ‘homegrown Washington Consensus’ (Bond 2006, p. 11) and South Africa’s fulfilment of its sub-imperial role.

Bond leaves no doubt as to whether there is a hierarchy of beneficiaries of sub-imperialism, or who resides at the pinnacle, asserting that

\[ \ldots \text{if Mbeki and his colleagues are benefitting from the high profile provided by NEPAD and all the other global-managerial functions discussed above, the real winners are those in Washington and other imperial centres who, increasingly, require a South African frontman for the ongoing super-exploitation and militarization of Africa. (Bond 2005, pp. 232–233)} \]

Although Bond is clear as to who benefits from sub-imperialism, he does not explicitly elaborate a theorisation of sub-imperialism. As an aside he asserts that, in the earlier imperial period analysed by classical theorists, imperial capacity was ‘reproduced through subimperial processes’ (Bond 2004, p. 163). He also notes continuities in South Africa’s sub-imperial project in the Democratic Republic of Congo in the apartheid and post-apartheid eras (Bond 2004, p. 165). Despite his careful elaboration of the changing nature of imperialism, Bond presents an ahistorical, unchanging conceptualisation of sub-imperialism.

Bond’s analysis is also hindered by his implicit assumption that the South
African state’s engagement with the rest of Africa can be understood by focusing solely on the relationships between Pretoria and Washington and the multilateral institutions. Despite noting the important role played by South African capital in exploitative processes of capital accumulation in the continent, in his texts on sub-imperialism, Bond does not explore the relationship of South African capital with the state, while the state’s interventions across the continent are presented as being rooted solely in its acting as a ‘proxy’ (Bond 2006, p. 104) for the US. Moreover, whilst the South African state plays a critical role within his framework of sub-imperialism, Bond does not provide a theorisation of the state, referring most often to the actions of particular politicians as proof that the state is playing a sub-imperial role.

Whilst Bond focuses mainly on external relations between Pretoria and Washington to support his position that the South African state is sub-imperial, Lesufi (despite theoretical pretensions that he is looking at class struggle and the social relations underpinning the capitalist state) looks only at the state’s fulfilment of the presumed needs of South African ‘monopoly capital’ to argue that it is, contra Bond, imperial.

Ruy Mauro Marini and Brazilian Sub-imperialism

Clearly, what is needed to bridge the divide between Lesufi and Bond, and their respective frameworks of enquiry, is a theoretical approach capable of grappling with the nuanced interrelation of internal and external factors and social relations. This, as Simon argued in 1991, is a strength of Marini’s theorisation of Brazilian sub-imperialism, which Simon correctly notes is a more useful conceptualisation of sub-imperialism than the structuralist approaches rejected by Lesufi (Simon 1991, pp. 23–24).

Writing in the mid-1960s and early 1970s Marini developed the concept of sub-imperialism to analyse transformations in Brazilian foreign policy and, in particular, the collaboration between Brazil and the US in their intervention in the Dominican Republic. His argument is that this cannot be understood by focusing solely on either the US or Brazil in isolation, or only on internal or external factors (Marini 1965).

Marini explores the impact of American investment within Brazil and seeks to trace its effect on Brazilian foreign policy and the export of Brazilian capital. He argues that American imperialism influenced Brazil from within the Brazilian social formation through its effect on internal social relations. In many ways his analysis prefigured Nicos Poulantzas’s later, and better known, theorisation of the ways in which American imperialism is reproduced within other social formations (Poulantzas 1974).

Marini is careful to note that Brazil was not a passive recipient of American investment or mere object of American imperialism. He argues that, due to the class alliance between the Brazilian bourgeoisie and the latifundists, when Brazil encountered a crisis of realisation it could not rely on redistribution and sufficient domestic demand to resolve the crisis (Marini 1965, p. 23). Therefore, internal class relations determined that the only alternative was for the dictatorship to attempt foreign expansion and to export industrial products. However, this required increasing Brazil’s technological level, which Brazilian industry was incapable of doing on its own due to low levels of development. Therefore, the adoption of this model was dependent upon foreign capital. As Marini notes:

\[\text{imperialism accepted participation, but it imposed its own conditions. Big industry was denationalized; the exploitation of raw materials such as iron was}\]
monopolized; the plan to electrify received considerable contributions from the international finance agencies... However, foreign capital declined to promote the development of those sectors reserved for the advanced nations, such as the aeronautic industry. Furthermore, the North American government stymied Brazilian attempts to master nuclear technology. (Marini 1972, p. 17)

Thus, foreign capital significantly shaped and influenced the nature of Brazilian industrialisation and played an important role in its ability to pursue an export-oriented strategy.

This increased alliance with foreign capital also led to a shift in foreign policy away from the more independent approach that had been followed by previous governments towards the barghana leal or loyal bargain in which Brazil became ‘tightly bound’ to the US (Marini 1965, p. 19). Marini is careful to emphasise that this was not just a regression to the acquiescence to the will of the US that had previously characterised Brazilian foreign policy:

For many, what is involved is simply a return to the Brazilian policy of submission to Washington (which was the rule in the period preceding Quadros), and the definitive conversion of Brazil into a colony of the United States. This is not correct. What we have, in reality, is the evolution of the Brazilian bourgeoisie toward the conscious acceptance of its integration with North American imperialism, an evolution resulting from the very logic of the economic and political dynamics of Brazil, and having grave consequences for Latin America. (Marini 1965, p. 12)

Thus, Marini argues that Brazil did not necessarily and automatically pursue the interests of American imperialism. Rather than being a simple ‘proxy’ for the US, the Brazilian state carved out its own role on the continent based on class struggles and class compromises within Brazil (which, as noted above, were imbricated with US imperialism), as well as it’s own ‘ideological premeditation’.

In this respect, Marini ‘appears to have anticipated the Marxian state-centred approach stressing the “relative autonomy of the state”’ that later emerged in the debate between Poulantzas and Miliband (Zirker 1994, p. 115). The particular approach chosen by the Brazilian dictatorship was to position itself as:

the center from which imperialist expansion in Latin America will radiate ... It is not a question of passively accepting North American power (although the actual correlation of forces often leads to that result), but rather of collaborating actively with imperialist expansion, assuming in this expansion the position of a key nation. (Marini 1965, pp. 21–22)

It is on this basis that Marini argues that the Brazilian dictatorship was ‘sub-imperial’. Whilst in his original article on the subject Marini described sub-imperialism simply as ‘the form which dependent capitalism assumes upon reaching the stage of monopolies and finance capital’ (emphasis in the original, Marini 1972, p. 15), he later expanded on this, noting that:

subimperialism implies two basic components: on the one hand, a medium organic composition on the world scale of national productive apparatus, and, on the other, the exercise of relatively autonomous expansionist policy, which is not only accompanied by a greater integration in the imperialist productive system, but also is maintained under the hegemony exercised by imperialism on an international scale. (Marini 1978, pp. 34–35, cited in Zirker 1994, p. 117)

Within Marini’s formulation, therefore, a sub-imperial state is neither simply a ‘conduit’ (Lesufi 2006, p. 34) nor a ‘proxy’ (Bond 2006, p. 104) for American
imperialism. The significance of Marini’s contribution thus lies in his focus on the dynamic interplay between the influence of American foreign policy, the role of American multinationals within the Brazilian social formation, class struggle within Brazil, the dynamics of capitalist accumulation, and a state rooted in capitalist social relations which retains some autonomy. Drawing on Marini’s analytical approach can, therefore, help to overcome the solitudes that plague the current literature on South African imperialism vs sub-imperialism.

Sub-imperialism in the Current African Context

However, this is not to suggest that Marini’s theoretical framework can simply be transported across time and space and applied ready-made to the African context. Some key issues which require updating, theorising and further empirical exploration relate to Marini’s focus on industrial exports, his economism, the concept of ‘South African capital’, the regionalisation of class struggle, issues related to race and gender, and the contested and differentiated nature of the African continent.

Capital versus Industrial Exports

The export of industrial goods assumes a central role in Marini’s conceptualisation of sub-imperialism. While he observes that such exports are not a sufficient condition for sub-imperialism (as the key issue is the mode of export), he recognises that they are integral to the sub-imperial process (cited in Zirker 1994, pp. 117–118). However, this is at odds with classical theories of imperialism that focus on the export of capital (Zirker 1994, p. 117). It is also out of synchronisation with the emerging South African reality in which capital exports play an increasingly significant role (Bond 2004). Marini’s specific formulation of sub-imperialism as grounded in industrial goods export is perhaps more relevant to analysis of South Africa’s industrialisation drive (and the role played by both multinational companies and the South African Customs Union within it) in the inter-war and post-war years (Gibb 1997, Ahwireng-Obeng and McGowan 1998).

However, it should be noted that Marini himself is careful to locate his emphasis on industrial exports within a detailed analysis of the specific political and economic context and level of development of Brazilian industry in the mid-1960s. Whilst he erroneously builds this solution to a specific crisis in a particular historical conjuncture into the definition of sub-imperialism, it is arguable that his method of analysis can be fruitfully employed to explore the relationship between current material conditions, class relations, American imperialism and the form, nature and composition of exports from South Africa.

‘South African Capital’

As far back as the 1970s, Seidman and Seidman (1977) and Makgetla and Seidman (1980) highlighted how multinationals from the US and other countries were using South Africa as a base to launch their products and operations into the rest of the continent. In keeping with Marini’s understanding of the role played by imperial capital within the dominated social formation, this early research demonstrates the integral role played by these corporations in South Africa’s industrialisation, domination of the region and in securing support from the American state for a less critical stance on apartheid.

Most current literature on South Africa’s role in the region focuses on ‘South African capital’ and fails to explore the activities and influences of foreign capital based in South Africa. It is noted there is scant attention to the differential nature and activities of these companies and how they are shaping South Africa’s engagement with the region. The Industrial and
Commercial Bank of China’s (ICBC) purchase of a 20 per cent stake in Standard Bank for R36.7 billion drives home the impossibility of focusing exclusively on something called ‘South African’ capital when analysing South Africa’s relationship with the rest of Africa. It highlights the utility of supplementing Marini’s analytical framework with Poulantzas’s insight that due to interpenetration of capital national bourgeoisies have been replaced by an ‘internal bourgeoisie’. The challenge remains to identify the particular composition of that internal bourgeoisie within contemporary South Africa, and to trace the influence of its different parts on South Africa’s continental engagements. The ICBC investment also raises the important question as to whether South Africa’s regional activities are shaped primarily by relations with the US.

Overcoming Economism

Simon observes that despite the nuanced way in which Marini conceptualises sub-imperialism, his ‘definition is still too economistic, in that it implies that domestic capital formation and accumulation, and attendant class struggles are the sole cause or rationale for sub-imperial action. While there is obviously a high degree of interdependence between economic and political interests – the essence of political economy – a distinction is necessary’ (Simon 1991, p. 24). Therefore, Simon argues that ‘an essential characteristic of sub-imperialism is having both the economic and political/military power to dominate the surrounding periphery with a degree of autonomy’ (Simon 1991, p. 24). The apartheid state’s intention to preserve white minority rule is a clear example of how factors not strictly limited to capital accumulation influenced sub-imperial activities.

Moving away from economism also requires exploration of how US imperialism shapes the policy and practice of the state and capital other than through direct presence in the South African economy via investment activities. Bond (2000) and Marais (1998) both provide detailed and insightful analyses of the role played by American consultants, the international financial institutions, and the hegemony of neo-liberal ideology in influencing the ANC’s adoption of the neo-liberal Growth, Employment and Redistribution macro-economic policy. Further detailed analyses of the processes through which South African economic and foreign policy towards the continent are developed, including a focus on contestations within the state as well as the influence of external factors could deepen our understanding of the mechanisms and processes of sub-imperialism.

Regional Class Struggle

Marini focuses primarily on the ways in which class relations within the sub-imperial power shape sub-imperial processes. Darlene Miller’s (2004, 2005a, 2005b) analysis of the move by South African supermarket multinational Shoprite into southern Africa alerts us to the importance of having a broader, regional perspective on class struggle. Miller reveals how the mobilisations of workers employed by a South African multinational in Zambia and Mozambique are informed by their ‘regional imaginaries’, which are based on their interactions with South African workers, company information, shop floor experiences and their general understanding of the southern African region. Importantly, she demonstrates that ‘regional working-class formation not only reflects...cross-national flows of capital, but also shapes the way the region is formed’ affecting the investment strategies of Shoprite and other multinationals (Miller 2005a, p. 121).

Race, Gender and Class

When analysing how contested social relations underpin sub-imperial processes it will be important to be attentive to race and gender, and the ways in which they are intimately related to class
Historically race has played a critical role in South African sub-imperialism. Simon (1991) highlights how the objective of preserving white minority rule was a central driving force of South Africa’s sub-imperial regional strategy during apartheid. The South African state was willing to act with a high degree of autonomy and defy international opinion to pursue this goal. The specific regional strategies adopted were further shaped by race and class dynamics within particular social formations in the region (Simon 1991, p. 40). Within literature on the current period there is frequent reference to the fact that the end of white minority rule has facilitated increased South African investment in other African countries. Miller highlights how South African capital consciously represents itself as ‘African’, and as bearer of the African Renaissance, to legitimate this process (Miller 2004). She also explores how racial hierarchies within managerial structures in South African multinationals in the region, combined with racist stereotypes on the part of white South African managers, affect labour relations and managerial strategies within companies (Miller 2005b). A further area for research could include assessment of the relevance of black economic empowerment and efforts to create and consolidate a black bourgeoisie for investment strategies and priorities within South Africa and across the continent.

Analysis of the relationship between gender, class and regional processes has been conspicuously absent from research on South Africa. With respect to the Asian experience Burkett and Hart-Landsberg (2000, pp. 111–112) have demonstrated that the gendered exploitation of women workers in Japan’s early export industries played a pivotal role in enabling and facilitating the success of its specific export model and sub-imperial domination of other South East Asian countries. There is a pressing need for research to interrogate and unearth similar connections between gender and sub-imperialism in the South African context. The differentiated ways in which South African investment in other African social formations is affected by and contributes to a re-articulation of local gender, race and class relations is also in need of scrutiny.

**Contested Terrains**

Alden and Soko (2005) caution not to treat Africa as a homogenous sphere when grappling with South Africa’s role in the continent. They differentiate between three spheres of South Africa’s economic engagement with Africa: the South African Customs Union (SACU) countries, the Southern African Development Community (SADC) countries, and Africa north of the Zambezi. They argue that South Africa’s hegemony is ‘manifested’ in SACU due to deeply entrenched structural inequalities created by the historically unequal nature of the SACU agreements (Alden and Soko 2005, p. 370). Within SADC they contend that South Africa’s hegemony is ‘contested’ due to lower levels of trade and South African investment, the significant institutional problems encountered by SADC and the ways in which internal South African politics are creating barriers to developmental regional integration (Alden and Soko 2005, pp. 374–379). Most significantly, they argue that north of the Zambezi River, although South African investments have increased substantially and the banking and financial sectors have begun to make significant inroads, South Africa’s hegemony is ‘unrealised’. They argue that this was demonstrated by the fact that, unlike all other African countries, Nigeria, Egypt and Tunisia all had trade surpluses with South Africa (Alden and Soko 2005, p. 382).

Alden and Soko further note that, ‘beyond its own region, a key determinant will be [South Africa’s] relations
with the other leading African power, Nigeria, as well as its ability to compete with other external actors’ (Alden and Soko 2005, p. 36). Within literature on South Africa’s role in Africa surprisingly little research has taken up this challenge and explored in concrete terms the strength and influence of South African investment and foreign policy relative to that of other African and international powers. Such research will prove invaluable in assessing the extent and indeed existence of South African sub-imperialism in various parts of the continent.

Acknowledgement

The author would like to thank Leo Panitch and Patrick Bond for comments at an early stage of the article.

Endnote

1. This article was originally received on 11 April 2007 and accepted for publication on 6 March 2008.

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Plans for a Zimbabwe Aid Package: Blueprint for Recovery or Shock Therapy Prescription for Liberalisation?

Sarah Bracking & Lionel Cliffe

In The Shock Doctrine: The Rise of Disaster Capitalism, Naomi Klein presents Bolivia as an early case of neo-con, neoliberal strategies for capitalising on disasters in order to promote liberalisation. Here we ask whether Bolivia is a harbinger of Zimbabwean futures or a cautionary tale.

In 1985 Bolivia faced hyperinflation up to 14,000 per cent, and there was a massive accumulation of external debt. There had been economic meltdown and a flight of thousands to seek incomes in neighbouring countries, Spain and US. However, the country had not gone as far as others in Latin America in following Structural Adjustment prescriptions. In these circumstances of economic crisis there were the first elections for over 20 years. The newly elected government of President Paz then adopted a ‘shock therapy’ plan to end hyperinflation and to promote a new economic strategy, which was to radically dismantle the entire state-centred economic model. This had been put together behind the scenes, despite the elections, using a blueprint from Harvard economist Jeffrey Sachs (who was to bring the same shock treatment plan to Russia in 1991, although he now has the image of a pro-poverty reduction heterodox develop economist).

The chief instrument for combating inflation was to raise prices, opting to put the resulting burdens on the poor: food subsidies and price controls on essentials were eliminated, public service wages were frozen, government expenditures were severely cut, the
economy was fully opened up to outside trade and investment, parastatals were downsized ready for privatisation. Inflation was brought under control but the overall plan, of liberalisation by shock treatment, led to massive impoverishment. There was also a political concomitant: repression of demonstrations about lay-offs and food prices, the detention of most trade union leaders and their supporters, amounting to a ‘state of siege’ through a ‘civilian coup d’état’.

A Zimbabwe Recovery Plan?

In the light of this example, consider media reports about ‘recovery plans’, which began to appear alongside the tumult over the 2008 elections in Zimbabwe and the delay in releasing the results. These suggested that a programme for economic restoration was ready in outline to be implemented should there be a change of regime in Zimbabwe, and it was in fact discussed at the Spring 2008 meetings of IMF/World Bank (The Guardian, 14 April 2008).

The UK’s Department for International Development (DFID) also announced that they were working out a substantial programme. International donors are thinking in terms of a three-point programme to which they are ready – immediately – to commit enormous financial resources:

- A currency stabilisation fund and strategy
- A vast expansion of humanitarian support
- Regularisation of land tenure and property rights.

These initiatives raise several worrying implications. First, they show that ‘recovery’ is seen as an opportunity to invoke complete liberalisation. Second, they reveal the unsavoury nature of holding numerous conferences and gatherings externally to plan what would or will happen when the regime is gone, when the energy of participants could have more usefully be engaged with how to prevent state authoritarianism and deterioration and support victims of the crisis. This type of ‘planning’ is based on an unrealistic view of how states reform: there will be no magical date on which ‘The Old Man’ will die and good governance will be restored, as if by magic. There is likely to be a much longer process of struggle. Second, this planning is undemocratic and exclusivist, since it does not invite procedures to include Zimbabwean popular opinion. Finally, but perhaps most significant, it is absurd that neoliberal shock therapy, with all its proven inadequacies should have emerged as the policy package that donors are advocating, especially at this moment of global failure of free market prescriptions. There is an urgent need for elaborating a more appropriate type of development, in terms of democratic reconstruction, should such an opportunity arise.

Later, as ZANU-PF and MDC-T and MDC-M signed the Memorandum of Understanding (MOU), or power sharing agreement in September 2008, the promise was of more aid and liquidity in exchange for ZANU-PF cooperation. The (MOU) talks of the normalisation of Zimbabwe’s external relations, an end to its negative reputation internationally, and its imminent accommodation with the Bretton Woods Institutions (BWI). The language of rights to international borrowing is used. Shortly after the MOU was signed, more detailed reports started to emerge, including a UNDP ‘recovery package’ (UNDP 2008). Both the MOU itself and the UNDP document contain overtones of economic policy orthodoxy, and in the case of the former, outright inconsistencies on the economic path to be followed, such as resumption of BWI debt repayments, and a proposed increase in social investment.
However, there are at least three areas in which the interests of the workers and destitute in Zimbabwe are not being met:

1. Within the transition process;
2. In terms of the transitional institutions that are taking shape; and
3. Because the prescriptions for change and ‘development’ which are set to follow this period of normalisation are neoliberal, and do not secure their economic interests.

In terms of the first, popular and democratic interests have been thus far been locked out of the elite pact process sponsored by Mbeki, and remain locked out of the discussion with donors, and are thus effectively excluded from the transitional process. Suffice to say that popular opinion and the more structured inputs from the civic sector and the Zimbabwe Congress of Trade Unions (ZCTU) are required in order to secure for society a stake in the democratisation process, if there is to be one, and the new republic. Their exclusion so far does not bode well for the type of transition that will occur, since a lack of democracy is likely to be magnified and reproduced in later stages. At the time of writing, the great performance of the MOU, the act of ‘normalisation of crisis’, and the excitement which followed the ceremony have waned with the realisation that there were no dates which fix its implementation, and power predominantly still belongs to Mugabe and ZANU-PF.

In terms of the MOU and the proposed Government of National Unity, Munyaradzi Gwisai, of the International Socialist Organisation of Zimbabwe, wrote of the unacceptability of an elite pact ‘around a Western-supported full neoliberal economic programme’ (Gwisai, 2008). Observers like Gwisai conclude that locking civil society out of negotiations has critically demobilised the opposition, marginalised the historical support base of the MDC and left critical issues of transitional justice unattended. Lovemore Madhuku further termed the signing of the agreement by the MDC ‘capitulation’ (SWRadio Africa 2008a). The ZCTU concluded that the MOU ‘creates a government that is in itself not a transitional government but a structure incorporating losers’ (ZCTU 2008). In the words of COSATU of South Africa, the deal ensures that ‘the loser has become the winner and the winner the loser’ (COSATU, at Pambazuka News, 2008).

The majority view is more generous, perhaps overly so, as expressed by Brian Raftopoulous, that it represented an opening of political space by unequal parties and that this is the best they could do in the circumstances (SWRadio Africa 2008b). At the time of going to press, the MOU appears dissembled, as cholera and hunger tear into the fabric of society, and ZANU intransigence prevents the Agreement being implemented.

A second concern raises issues about the dimensions of the institutions taking shape, or indeed occurring as a de facto result of the non-implementation of the Agreement. The MOU itself leaves many strategic powers in Mugabe’s hands – such as decisions over war, declaring a state of emergency, chairing the Cabinet, and even appointing the Prime Minister. But let us accept for the moment the argument that it was all Tsvangirai could get without resorting to violence under the asymmetric negotiating forum supplied by President Mbeki, and in order to restore some semblance of food security to the hungry held hostage to Mugabe’s intransigence. A further implication for social and economic change is partly related to the first, in that the demands from civil society for transitional justice, and political and social priorities have already been downgraded relative to the donor-led obsession with the macro-economy first, which is typical of the shock therapy approach. Important issues of justice and rehabilitation, not least for the families of those hundreds of people murdered during the recent violence, have been swept under the carpet.
in the name of reconciliation and ‘necess-
ary’ economics. A third dimension is that
the donor plans that do exist, even if they
are currently an ill-kept secret, contain an
archetypal fascination with large top-
down approaches, which will inevitably
underwrite and support the same type
and model of highly unequal social
change that was ‘supported’ last time
around, during the 1990s.

The MOU itself promises an acceptance
of all current property ownership, but
then an inventory of all holdings and
also the elimination of multiple farm
ownerships. It demands the end to
imperial aggression, alongside a call for
greater donor cooperation (available in
full from Sokwanele 2008). In parts it
agrees between the parties policy
change that none of them, even together,
can deliver, including the reversal of
sanctions legislation in the US Senate
and a restoration of full IMF drawing
rights. Both within the MOU and more
particularly in comments made by
Tsvangirai, it is clear however that
a full, immediate and large influx
of liquidity and donor grants is
anticipated and requested. It is seen as
axiomatic that this should be develop-
mental, both by ZANU-PF, who juxta-
pose their cooperation with the
restoration of international finance as
response and reward and by the MDC
who cite development finance as a
necessary part of reconstruction. The
problem is that both conceive of the
role of development finance un-proble-
matically and within flawed frame-
works. ZANU-PF, because donor
money is not principally seen as a devel-
opment good to be invested, which
would lead to an income stream to
ensure its repayment, but simply as a
reward for good behaviour to be
collectively consumed by the elite.
From the MDC perspective, incoming
money at this point would have a contra-
dictory effect, which it does not fully
understand or appreciate. It would,
for example, re-liquidate parts of the
economy and industry which fuel
ZANU-PF patronage, fill off-shore bank
accounts and help fund the spoils poli-
tics model that has become the norm. A
prior democratisation and adequate
regulation of the economy is required to
prevent this outcome.

More generally, however, it is the nature
of the policy package that is being
imported which represents a significant
hazard. For example, the UNDP docu-
ment imports a wholesale acceptance of
the neoliberal formula of price, invest-
ment and trade liberalisation, restoration
of a conventional Central Bank and accep-
tance of IMF and World Bank instruments
(UNDP 2008). This is all very odd for an
organisation which has historically
resisted this policy paradigm, particularly
since the global crisis has contributed to
undermining it elsewhere. In fact, some
‘emergency’ measures look distinctly
neo-conservative, such as to restructure
or privatise the Ministry of Finance and
introduce cost-recovery for public ser-
vices. That these are inappropriate
should be intuitively self-evident to a
Zimbabwean, who would know that
when there are no goods in the shops, lib-
eralising their prices is a somewhat aca-
demic exercise.

The same lack of logic applies to cost
recovery for schools and clinics. A
Multi-Donor Trust Fund (MDTF) Discus-
sion document on the ‘Recovery’ con-
tained similar neoliberal orthodoxies,
despite its preliminary nature as a
‘living’ document, which acknowledged
gaps in knowledge required by ‘stake-
holders’. Ironically, the ‘Zimbabwean
Economic Recovery Programme’ (ZERP)
relies somewhat prematurely on a ‘gov-
ernment’ to implement it; which is what
Zimbabwe lacks. Despite this obvious
drawback, the document still outlines a
‘stabilisation framework of ‘(a) exchange
rates unification, (b) deregulation of
prices, and (c) improved management of
public expenditures’ (MDTF 2008).
Alongside a safety net for the poor
during stabilisation (only), it concentrates on public financial management, fiscal adjustment and private sector regeneration.

Academic contributions are not necessarily suggesting improvements to these intergovernmental blueprints. They often reproduce the ways donor analysis creates a necessary role for donor intervention and refinancing. For example, it is persistently argued, here by Bird and Busse (2007) that:

*Years of economic and social damage are not easily reversed, and the economy and key economic institutions have now declined to such a point that recovery will be impossible without significant external assistance.* (Bird and Busse, 2007, p. 15, citing Hawkins 2006)

However, this is not such an obvious proposition as it appears. The counterfactual is equally true, that since institutions are so weak, recovery will be impossible with external assistance, since local demands and positions will be railroaded under the negotiating pressure of those with the money. In addition, past donor intervention may be implicated in the concentration of political power that led to the crisis in the first place (Bracking 2005). The supposed necessity of intervention is then followed by lists of things to do. Moss and Patrick (2006) propose a list of donor interventions as a framework for Zimbabwe’s recovery, reproduced in Bird and Busse, which includes, alongside the less contentious humanitarian forms of assistance, a coordinated donor effort and Trust Fund, the formulation of a ‘National Reconstruction and Development’ plan, an investment conference to attract back money and a ‘quick’ normalisation of Bretton Woods relations (cited in Bird and Busse, 2007, pp. 15–16).

These interventions would ensure that a neoliberal, dependent development pattern would ensue, without any proper democratic debate or consideration of how far this type of development was implicated in the current crisis in the first instance. When Bretton Woods institutions invested before, using these types of conduits, perhaps about one half of the loans went bad (a conjecture based on the British case), and about $1000 million remain on the books. However, the current Zimbabwean elite, and many of the most notorious anti-democrats among it, were put on the road to riches by projects that allowed and condoned their participation as equity owners and ‘new, indigenous entrepreneurs’. A future Zimbabwe protected as far as possible from patrimonialism would not use these types of private sector development vehicle, but more grassroots, cooperative and mutualist conduits. Suffice to say here, that this debate needs to be had. A ‘quick’ normalisation with Bretton Woods could also be an expensive one.

Moreover, Zimbabwe is not the economy that most assume it to be, but has arguably morphed into one with profound likenesses to a minerals extractive rentier state during its protracted crisis. In this regard, many commentators have missed the significant investments into its minerals sector during the past five years, many from London. Zimbabwe, despite its crisis, is riding the boom in minerals commodity prices and earnings from British companies in Zimbabwe have actually stood up remarkably well. Thus these companies and stakeholders will also want a place at the table, and with Bretton Woods re-engaged could quickly re-liquidate their assets before a review of the legality of property claims has had time to report. As Pogge remarks, the sovereign right to dispose of assets is a morally hazardous one where corrupt elites are concerned (Pogge 2002), and the Zimbabwean polity at large might want to review deals that have been done recently in this regard, before economics is retuned to ‘normal’.

In June 2008, for example, Anglo, now a UK listed company, and in the context of
extreme election violence, announced a $400 million investment to develop a platinum mine at Unki (The Times, 2008). In total, by June 2008, over 200 UK and South African companies remained substantially invested in Zimbabwe, in the face of a newly passed Indigenisation and Economic Empowerment Act, which aims to force them to hand over majority ownership to Zimbabweans, including Lever Brothers, Barclays Bank, Standard Chartered Bank, Standard Bank, Stanbic Bank, Impala Platinum, Angloplat, Mettalon Gold, Rio Tinto, Edcon, Merchant Bank of Central Africa and several enterprises owned by Anglo American (The Star 2008). Earnings from British investments in Zimbabwe between and including the years 1997 to 2006 totalled £498 million (from Office for National Statistics, Foreign Investment Surveys, Table MA4 3.1). Despite the crisis, between 1997 and 2006, £378 million of new investment flows were made by British domiciled companies in Zimbabwe (ibid). In other words, despite the ‘sanctions’, the real minerals based economy has shored up a rentier elite, and the pressure from the owners of these enterprises will steer the debate on public debt if allowed to do so. It is the authors’ opinion that only sufficient liquidity to refinance a democratically controlled Reserve Bank of Zimbabwe should be accepted in the short term. The humanitarian response should be grant aid. The debate on writing off odious debt should be had, before reengagement with the BWI.

Such a review of contractual obligation might determine, for example, that a windfall tax on the newly arrived minerals companies could raise just as much as the IMF might offer, while Zimbabwe holding out for full Paris Club cancellation is the only option for such a stock of odious debt. An estimate of Zimbabwean debt in 2007 was of a combined stock of principal and cumulative arrears totalling US$ 4.9 billion (USAID 2007). If reengagement with BWI is contemplated without a deal to cancel debt stock, the issue of the moral weight of how far Zimbabweans should be expected to honour odious, misappropriated and otherwise bureaucratically added ‘arrears’ in their debt stock will be sidelined. On the other hand, an incrementalist approach would deliver to the donors successive public relations opportunities on pieces of debt relief, which would be recounted as ODA, and would give a false sense of generosity. Leverage is a political moment and the debt stock is not so significant as to be able to determine all political positions. However, the donors will want to give the impression of an intractable obligation which delivers Zimbabwe into their hands.

Anti-inflation Measures

The IMF is said to believe that inflation can be curbed within 12 months, but that price and exchange rate liberalisation would be prerequisites (The Guardian, 3 April 2008). One wonders how much more liberalisation they have in mind? Indeed, tough measures would be needed, probably involving price rises and holding down of wages, possibly the loss of jobs and cuts in public spending. But would a strategy necessarily concentrate on price increases for essentials without compensatory measures, or merely provide emergency social protection rather than livelihood promotion? How might it be shared across all sectors and classes rather than just the poor? But again, most of these promised interventions would not correspond to real conditions: there are few if any goods to buy and a residual number of workers to target. Most public sector pay is worthless. In this circumstance, even development assistance can be inflationary. A revised currency could be used to target social assistance.

Questions also need to be asked about the political concomitants of such shock therapy: what plans for containing food riots or other protests? What political
agency would play this role? Specifically, what would be the consequences for a party like MDC, if it were to be centrally involved in government, if it had to curb the trade unions, as in Bolivia, which were a vital core element in its growth?

Humanitarian Support

There is indeed a great need for humanitarian aid to meet emergency needs of those impoverished by the past meltdown and directly affected groups such as ex-farmworkers and other farm dwellers, the urban displaced from the 2005 Operation Murambatsvina (literally, ‘disposing of rubbish’), as well as the especially vulnerable like HIV/AIDS affected adults and orphans.

There has also been a steep decline in the provision of education, health and social protection as a result of the decline in the state’s own financial and human resources, which has only been partly compensated by initiatives by NGOs, some of the latter attracting financing from donors whose sanctions policy means the restriction of aid funds to emergency rather than development purposes, mainly funnelled through NGOs as opposed to state bodies. For example, there has been provision of food aid, and a melange of projects from school feeding to vouchers for food and for livestock and inputs provided by NGOs, some of which went slightly beyond mere emergency relief, such as the UK’s Protracted Relief Programme (PRP).

However, what would be implied by an orthodox current stabilisation policy, involving price hikes and job losses, is a further short-term increase in the need for these humanitarian measures – dimension number two of the package. In addition, presumably these would be conceived within a framework of only providing a safety net targeted to the most vulnerable and the worthy poor. Programmes such as PRP could be scaled up, but could not substitute for the reconstruction of nation-wide, sustainable social services institutionalised and made sustainable within guaranteed budgets, which Zimbabwe used to have but which will not easily be restored within a strategy that seeks to downsize the state role.

There is a further risk if this liberalisation orthodoxy provides the model for planning and if donors are the ones drafting the policy details – that of putting the emphasis on the ‘social protection’ focus, currently so much in vogue, without complementary stress on rebuilding productive capacity. To take but one, yet crucial example, subsidising fertiliser, seed and other inputs for small farmers has proved to have boosted food availability, livelihoods in Zambia and Malawi (against the initial advice of donors, who have, like the World Bank in its latest annual report, finally come round to see the benefits). This type of initiative could have a profound impact on production in Zimbabwe, including that of the thousands of smallholder recipients of land reform. The available evidence, although partial, does indicate that the loss of production in all sectors, including that in the communal areas (which could not have been due to land take-overs) has to a major extent been a result of non-availability of farm inputs. Moreover, Zimbabwe has a historical advantage over its neighbours in having an indigenous fertiliser industry, the restoration of which would avoid importation (whether paid for commercially or by aid) and have a multiplier effect. Yet its restoration is only a remote possibility without the right kind of state-led role in planning, prioritising of provision of spares and thus foreign exchange, protection against imports, and maybe also direct participation in the equity. This one case of a potentially strategic component of rebuilding productive capacity is but one example that highlights the choices that have to be made in drawing up a plan for recovery, and the need to
link humanitarian assistance to an alternative development plan.

Fortunately, some discussions and drafting of alternative plans for recovery have been taking place among Zimbabwe intellectuals, professionals and civil society bodies despite all the immediacy of the political crisis. One ‘think-tank’ has specifically been developing position papers along lines that recognise the need for more realistic relations with the international economy and with donors and potential investors, but that also questions whether such a ‘normalisation’ need be on the basis of full liberalisation of the economy, and on the basis of the giving up all aspects of public involvement in the economy. This discourse needs to be recognised by outside observers and dialogue with them pursued. The Zimbabwean public can afford to wait while this happens, since the argument for full normalisation with Bretton Woods, excepting RBZ liquidity and humanitarian support, is very weak.

Future of Land Reform?

There are several issues, discussed below, resulting from the Fast Track Land Reform (FTLR) which certainly need attention but which also involve choices between options, some more compatible with a broadly liberalisation approach and alternatives that are arguably more appropriate to crisis conditions in Zimbabwe. However, as one early contribution to the future policy debate (Scoones, Internet 2008) has argued, the starting point for any debate about options is to get a clear idea of what is the actual situation on the ground. They assemble survey data to refute certain crude ‘myths’ that abound, arguing that it is too simplistic to see the FTLR as a ‘total failure’, that ‘political cronies’ have been the only beneficiaries’, that ‘there has been no investment’, that ‘agriculture is in complete ruins’ and ‘the rural economy has collapsed’. It is surely correct that the realities the FTLR have created have to be appreciated, but their data from one province in the south east, Masvingo, may not be representative of other parts of the country and needs to be put alongside other survey data such as that by Moyo and Matondi (2008) who have far more data than reported in this published article. Scoones (2008) in qualifying charges that most land has gone to ‘cronies’, does not discuss the widely reported trend for patronage to be used in allocations to lead potentially to a form of new landlordism (see below).

National and International Acceptance of the Post-land Reform Realities

It is unlikely that even the most orthodox international actors expect a complete reversal of land redistribution, although there might be arguments for the return of a few former owners, especially of strategic enterprises such as seed producers, breeding stock ranches or high-tech irrigation. In this regard the MOU clearly states that there will be no reversal of the Fast Track Land Reform (FTLR). However, donors are likely to want to save face before accepting that reality by some legal formula about acquired land that would legitimate in their own eyes the resumption of aid and investment in the economy as a whole, as well as support for the land reform sector. Negotiations to find a compromise that would satisfy this need without it involving too great impositions on the new landowners and the overall economy might yield a formula acceptable on all sides. Here some of the elements of what UK and the Government of Zimbabwe had negotiated in 1996–98 on land reform might be revisited – after all the two countries came close to an agreed, widespread and funded programme but for the intervention of political leaders on both sides. (It is ironic, and possibly provocative and counterproductive, given this history and Mugabe’s anti-colonial power rhetoric of recent years that reports about the ‘Plan’
suggest that responsibilities for the lead role in this area have been assigned to the UK).

**Sorting Out the Land Tenure Entitlements on the FTLR**

The tenure rights of those who received land are by no means clear and unambiguous in legal terms. As a result of the still un-issued documentation of allocations, with beneficiaries so far receiving only letters or permits, there is a lack of clarity about leasehold tenure, continuing legal challenges by former owners, the ambiguous role of chiefs – and also in practice – as a consequence of overlapping and even multiple entitlements to the same plots and widespread disputed claims, the competing roles of a range of government, party, chiefly and other would-be bestowers of patronage. Some of the confusion and resulting less than optimum use of the new land holdings is recognised by the provision in the MOU which calls for a ‘land audit’. However, specific measures will be called for once an accurate picture of conditions on the ground are revealed, among them:

- a *dispute settlement* and if necessary compensation process is needed to deal with the many contested claims, as well as the inventory provided for in the MOU;
- *secure title*, not simply ‘permits to use’ or conditional leases subject to the whim of self-selected land committees, is needed for those who received land, especially the smallholder A1 recipients. This would boost their confidence and determination, and ideally it should put an end to the prospect of a de facto ‘landlordism’ by elites who control access that has tended to emerge; this should in turn be linked to some system of making credit available to them not based solely on offering titles as security for loans with the attendant risk of repossession;
- evidence, although partial, suggests that the medium size A2 beneficiaries are having less success, which if true, prompts the need for a *mechanism for the reacquisition* of unproductive land, perhaps to pass on to A1 farmers.

**Programmes for Revitalising Production in All Sectors**

There is a strong need to increase production on farms in the communal areas, old (1980s) resettlement farms, both A1 and A2 farms created by FTLR, remaining and returning commercial farmers – through a variety of measures such as input supply, extension, fairer and improved (but not necessarily totally private) marketing. One of the strategic requirements is to resuscitate the indigenous fertiliser industry, which Zimbabwe, unlike most African countries, has had for decades, but which has barely survived the limited access to credit, to spare parts or to raw materials. Support for this mode of meeting crucial needs of all farmers will also increase productive potential and have a multiplier effect which the alternative of financing imports of fertilisers would not have. However, such a priority and the funding of state enterprise and the tariff protection it would require would be precluded by orthodox liberalisation formulae.

**Conclusions**

In Zimbabwe, the first need is for much greater transparency about planning by the international community, since the current processes at work are fundamentally anti-democratic. Outlines should be subject to broad-based, open scrutiny and critique to see how far they are premised on ‘shock’ therapy against inflation, and on outmoded formulae of wholesale liberalisation with only safety net provision for the poor. This formulaic prescription of a free market as prerequisite should not be tenable even in donor
circles, given the debacle of the international financial system.

Outside observers need to familiarise themselves with thinking that has already occurred and continues to go on in Zimbabwe. This should include approaches to recovery that adopt different social change paradigms, incorporating equity and social justice, like the notable contributions of the Zimbabwe Coalition on Debt and Development. Alternative plans need to be discussed that incorporate a fairer social division of the necessary short-term costs of recovery; a reconstitution of production and livelihoods and not just humanitarian relief; and a rebuilding of those state mechanisms that will be needed for a democratised macro-recovery. A dialogue with international actors sympathetic to the Zimbabwean political and economic realities would be useful, but the premature precedents discussed here are adopting neo-colonial procedures and policies that would surely serve to strengthen only the ZANU-PF elite, rather than dislodge them. The coalition of social forces demanding change in Zimbabwe surely requires a different operating paradigm and the right to own the process, policies and outcome of (eventual) political transition. The likelihood that had become apparent by the end of 2008 was that any international aid would suffer from the overall credit crunch — all the more reason that the main strategising, and even resourcing, should come from the Zimbabwean side.

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