BEYOND
STATE-BUILDING

Confronting Africa’s Governance
and Socio-economic Challenges
in the 21st Century

Edited by
Samuel Kale Ewusi
&
Jean Bosco Butera
University for Peace (A United Nations Mandated University) headquartered in Costa Rica, was created by the United Nations General Assembly Resolution 35/55 of December 1980. The mission of the University is to “provide humanity with an international institution for higher education for peace with the aim of promoting among all human beings the spirit of understanding, tolerance and peaceful coexistence, to stimulate cooperation among all peoples and to help lessen obstacles and threats to world peace and progress with the noble aspirations proclaimed in the Charter of the United Nations”.
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PREFACE

Jean Bosco Butera

Research capacity in Africa has not recovered from the crippling effects of the structural adjustment programs of the 1980-1990s. Indeed, faced with considerable budget cuts, many universities directed the remaining meager resources to teaching. This contributed to a 'brain-drain' whereas a number of qualified researchers left the continent to establish themselves in various other parts of the world. This has had a negative impact on the training in research in many African universities in general with a resulting absence of publications and contribution to debate on issues of paramount importance for the continent.

Cognizant of this situation, the Africa Programme of the University for Peace (UPAP) embarked, at its establishment in 2002, on building Africa’s capacity in research and publication, and has since continued in this endeavor. The Programme organized the first Peace Research Capacity Building Workshop in Dakar, Senegal in 2005. To date, it has organized 41 capacity building training workshops in which more than 800 participants from 36 African countries participated. Thirty percent of the trainees were women, based on the Programme’s minimum quota. These trainings covered a wide variety of topics, including Conflict Prevention, Management and Resolution (CPMR), Human Rights, Peace and Justice, Nonviolent Transformation of Conflicts, Gender and Peacebuilding, Peace Education, Regional Integration and Security, Peace Research, governance and security and Environment and Conflict. Eleven of the workshops focused on Research in peace, governance and security five of which were advanced level trainings catered to African Doctoral Researchers conducting their studies in Sub Sahara Africa as well as researchers working in peace and security institutions and CSOs.

The mission of the Africa Programme proceeds from the premise that Africa needs research professionals who are skilled to evaluate local
situations in relation to national, regional, continental and global trends and impacts. By aiming to strengthen higher education and research institutions in Africa through research, UPAP seeks to support sustainable growth and internal ‘brain gain’ to better manage its own governance, security and justice issues. In the context of Africa, and in the context of weak and fragile states, many of which are in Sub Saharan Africa, improvement in governance and security are hindered by a general dearth of information. Gaps in knowledge on peace, governance and security issues prevent the building of strong societal infrastructures that promote human development. The dearth of information on African governance and security systems reflects the scarcity of capable researchers in those fields, able to evaluate governance and security issues. Therefore, there is a need to address not only the absence of knowledge in these areas, but a need to address the underlying issue of human resources skilled to provide relevant information to other societal stakeholders, such as civil society and policymakers.

The two phases of the capacity building projects funded by IDRC involved the granting of financial and academic support to 8 PhD fellows over a three year period and 48 doctoral awardees over a two year period. During this course of the project grantees were expected to also publish at least one article focusing on peace, governance and security in our peer reviewed Africa Peace and Conflict journal and at least two policy briefs in the UPEACE Africa policy series. In addition to the output of producing qualified, skilled and published scholars in the fields, the projects also sort to establish a network of researchers who will continually publish research in the field after the project cycles. It is estimated that the establishment of the network of researchers will eventually culminate in the establishment of the Africa Peace Society.

Following this path, the Africa Peace and Governance Research Network (APGR.Net) was launched during an international symposium on peace governance and security in Africa organized by UPEACE Africa Programme in April 2014. The symposium brought together grantees
from UPEACE/IDRC funded projects, IDRC funded researchers in the continent, policy makers and other researchers from higher institutions in Africa. The overall objective of this network is for sustainable knowledge creation in the area of peace governance and security in Sub-Saharan Africa.

The initial structure of the network includes focal point persons from four regions in sub-Saharan Africa namely; West Africa, Central Africa, Southern Africa and Eastern Africa with a UPEACE Africa Programme based Research Coordinator as the central focal point person. Together they form the Network Coordinating committee (NCC). The NCC is tasked with identifying key thematic issues and challenges in peace, governance and security in the four regions in line with the sub themes in the project. This book is the first product of this endeavor. In the course of six months, the regional focal point persons sent calls for abstracts focusing on the identified issues critical to their regions. The Network Coordinating Committee selected relevant abstracts and the authors were requested to develop the papers for publication. In the process, some of the authors were invited to the aforementioned international symposium on peace governance and security organized by UPEACE Africa Programme with the support of the International Development Research Centre and the United Nations Economic Commission for Africa.

The papers were submitted to a double blind review process which has culminated in the publication of this book. The book will be distributed to universities, research institutions, policy institutions and will be available to the wider public at libraries in Africa.
Acknowledgements

Books are most often collective projects and edited volumes much more collective. Our first debt of gratitude goes to the International Development Research Center (IDRC) for providing the funding for our capacity building projects of which this book is a product. Special thanks to Ms Njeri Karuru and Ms Rita Bowry of IDRC’s Governance, Security and Justice Programme and Fellowship and Awards Programme respectively for their unrivalled dedication to bring the network to fruition.

Furthermore, many people have contributed to this volume either directly or indirectly and while we cannot thank them all individually, a few deserve special mention; the regional focal persons – Dr Fidelis Allen (West Africa), Dr Ann Rita Njageh (Eastern Africa), Prof Pamela Machakanja (Southern Africa).

We are especially grateful to colleagues at UPEACE Africa Programme, especially Ms Tsion Abebe, Ms Rahel Getachew, Ms Tsega Desta, Ms Agnes Assele and Ms Samrawit Tesfaye.

We would also like to thank all the chapter contributors and manuscript reviewers, who worked on very strict deadlines in order to keep up with an extremely stringent publication schedule.

Samuel Kale Ewusi & Jean Bosco Butera (Editors)
# List of Abbreviations

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<td>ABC</td>
<td>CLIO- American Bibliographic Company</td>
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<td>ACCORD</td>
<td>African Centre for the Constructive Resolution of Disputes</td>
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<td>ACMS</td>
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<td>ACP</td>
<td>Africa- Caribbean- Pacific</td>
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<td>AD</td>
<td>After Death</td>
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<td>Asian Development Bank</td>
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<td>AIDS</td>
<td>Acquired Immune Deficiency Syndrome</td>
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<td>AMCU</td>
<td>Association Mineworkers and Construction Union</td>
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<td>AMU</td>
<td>African Mineworkers’ Union</td>
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<td>ANC</td>
<td>African National Congress</td>
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<td>Armoured Personnel Carriers</td>
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<td>African Peace Fund</td>
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<td>AU</td>
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<td>African Union Conflict management Division</td>
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<td>AYC</td>
<td>African Youth Charter</td>
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<td>BBC</td>
<td>British Broadcasting Corporation</td>
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<td>BITs</td>
<td>Bilateral Investment Treaties</td>
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<td>BRICS</td>
<td>Brazil, Russia, India, China and South Africa</td>
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<td>BTVET</td>
<td>Business, Technical and Vocational Education and Training</td>
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<td>CAP</td>
<td>Consolidated Appeals Process</td>
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<td>CAR</td>
<td>Central African Republic</td>
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<td>CBOs</td>
<td>Community Based Organizations</td>
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</table>
CCFU  Cross Cultural Foundation of Uganda
CCMA  Council and Conciliation, Mediation and Arbitration
CDB-  China Development Bank
CDE-  Centre for Development and Enterprise
CDF-  Chief of Defense Forces
CEDAW  Committee on the Elimination of Discrimination against Women
CENI  Independent National Electoral Commission
CEPR  Center for Economic Policy Research
CEWS  Continental Early Warning System
CFSP  Common foreign and Security Policy
CG  Consultative Group
CIC  Commission for Implementation of constitution
CMI  Chieftaincy of Military Intelligence
CNMC  China Nonferrous Mining Group
CNOOC  China National Offshore Oil Corporation
CNPC  China National Petroleum Corporation
CNW  Cox, North and Weingast
CODESRI  Conseil pour le développement de la recherche en sciences sociales en Afrique
COMESA  Common Market for Eastern and Southern Africa
COSATU  Congress of South African Trade Unions
CPC  Communist Party China
CPDM  Cameroon’s Peoples Democratic Party
CPF  Community Policing Forums
CPIA  Country Policy and Institutional Assessment
CPMR  Conflict prevention, Management and Resolution
CPS  Central Police Station
CRA  Commission for Revenue Allocation
CSDG  The Conflict, Security & Development Group
CSUDP  Civil Society Urban development Programme
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<td>Development Partnership Meeting Committee</td>
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<td>Democratic Party</td>
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<td>Democratic Republic of Congo</td>
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<td>EAPCCO</td>
<td>East African Police Chiefs Cooperation Organization</td>
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<td>The United Nations Economic Commission for Africa</td>
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<td>European Commission’s Humanitarian Aid Office</td>
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<td>Economic Community for East African States</td>
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<td>Equal Opportunities Commission</td>
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<td>European Security and Defense Policy</td>
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<td>European Union</td>
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<td>Femmes Africa Solidarite</td>
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<td>Forum on China-Africa Cooperation</td>
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<td>Fiscal Priority Framework</td>
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<td>FPI</td>
<td>Front PopulaireIvorien</td>
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<td>FY</td>
<td>Financial Years</td>
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<td>GDP</td>
<td>Gross Domestic Product</td>
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<td>GNP</td>
<td>Growth National Product</td>
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<td>GoSL</td>
<td>Government of Sierra Leone</td>
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<td>GRB</td>
<td>Gender Responsive Budgeting</td>
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<td>Human Development Index</td>
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<td>HDR</td>
<td>Human Development Report</td>
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<td>HIPC</td>
<td>Heavily Indebted Poor Countries</td>
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<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
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<td>Human Sciences Research Council</td>
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<td>HSRC</td>
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<td>IBSA</td>
<td>India- Brazil- South Africa</td>
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<td>ICM</td>
<td>DHS- International Conference on Migration, Development and Human Security</td>
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<td>IDRC</td>
<td>International Research Center</td>
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<td>International Development studies</td>
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<td>International Financial Institutions</td>
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<td>IFR</td>
<td>Infrastructure for Resource</td>
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<td>IGP</td>
<td>Inspector General of Police</td>
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<td>IHDI</td>
<td>Inequality Adjusted Human Development Index</td>
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<td>ILO</td>
<td>International Labor Organization</td>
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<td>IMF</td>
<td>International Monetary Fund</td>
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<td>International Organization for Migration</td>
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<td>IPI</td>
<td>Industrial Production Index</td>
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<td>iPRSP</td>
<td>interim Poverty Reduction Strategy Paper</td>
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<td>ISO</td>
<td>international Security Organization</td>
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<td>ISS</td>
<td>Institute for Security Studies</td>
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<td>IULA</td>
<td>International Union of Local Authorities</td>
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<td>JATT</td>
<td>Joint Anti- Terrorism Task Force</td>
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<td>JEEMA</td>
<td>Justice Forum</td>
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<td>KIs</td>
<td>Key Informant Interviews</td>
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<td>LASDAP</td>
<td>Local Authorities Service Delivery Action Plan</td>
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<td>Local Authority Transfer Fund</td>
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<td>LGFD</td>
<td>the Local Government Finance Department</td>
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<td>LGRP</td>
<td>Local Government Reform Programme</td>
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<td>Lawyers for Human Rights</td>
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<td>Members of country Assembly</td>
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<td>MDBS</td>
<td>Multi-Donor Budget Support</td>
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<td>MDGs</td>
<td>Millennium Development Goals</td>
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<td>MENA</td>
<td>Middle East and North Africa</td>
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<td>MINARD</td>
<td>Ministry of Territorial Administration and Decentralization</td>
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<td>MLGRD</td>
<td>Ministry of Local Government and Rural Development</td>
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<td>MMD</td>
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<td>MouvementPatriqueIvorien du Grand Ouest</td>
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<td>National Agency for Food Drug</td>
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<td>NATO</td>
<td>North Atlantic Treaty Organization</td>
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<td>NCC</td>
<td>Network Coordinating Committee</td>
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<td>National Curriculum Development Center</td>
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<td>NDC</td>
<td>National Documentation Center</td>
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<td>National Development Plan</td>
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<td>New Partnership for Africa’s Development</td>
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<td>NNP</td>
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<td>National Resistance Movement</td>
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<td>National Union of Students of Uganda</td>
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<td>National Union Youth Organization</td>
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<td>Pan African continental network of the Wise</td>
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<td>Parti Democratque de la Cote d’Ivoire</td>
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<td>peace and Security Department</td>
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<td>RDC2</td>
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Strong Institutions, Economic Policy and Human Security in Africa: Exploring the Nexus

Samuel Kale Ewusi¹

The dominant conventional wisdom on statebuilding today is that, strong democratic institutions, good political and economic governance will ultimately lead to the attainment of the utilitarian principle of the greatest happiness for the greatest number. This form of consequentialism has definitely not been the case in Africa even in countries with improved institutional, political and economic governance. Larry Diamond authoritatively identifies two trends in Africa in relation to the nexus between the three themes.

The first being the existence of stable regimes, some democratic with healthy economic growth which in addition to international involvement and support can be sustainable in the indefinite future. These countries to some extent are beginning to transform their conditions of poverty, misery and state domination away from stunted economies that characterized several African countries for more than five decades after independence.² They include countries such as Ghana, Botswana, Rwanda and to some extent Equatorial Guinea.

The second trend is those African countries still embroiled in perennial and endemic conflicts with no possibility at least, in the short term to mobilize the institutions to achieve stability, good governance, rule of law and a facilitating environment for economic growth.³ These category refers to the DR Congo, Central African Republic, Mali etc.

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¹ Samuel Kale Ewusi is the Research Coordinator of the Africa programme, United Nations mandated University for Peace.
Diamonds first characterization speaks to the dominant paradigm in that the existence of strong “democratic” institutions as well as good governance leads to economic growth and therefore to the realization of human security and the absence thereof leads to misery. Consequently, African governance scholarship is dominated by attempts at identifying the gaps in democratic governance and providing alternative pathways through which policy prescriptions on strengthening democracy can be attained. However an incisive look at the majority of Africa countries reveal that this assertion may not necessarily be patently factual.

This chapter therefore argues that, strong democratic institutions as exemplified by diamond even though might lead to economic growth as it has in some countries, it has however not of necessity resulted in attaining human security for the majority of Africans. However Diamond's argument is supported by President Obama during his maiden visit to Africa as United States President, when he reiterated in Ghana that “Africa needs strong institutions not strong men”. This chapter vehemently disagrees with the above postulation by asserting that Africa needs both strong men and strong institutions and in some cases a benevolent dictator. One does not need to dig deeper in the continent to find African leaders labeled dictators especially by Western governments but hailed by western institutions on their achieving a higher level of human security for their citizens.

Sebastian Avellaneda in his work “Good governance, institutions and economic development” goes beyond conventional wisdom by stressing the importance of taking seriously the endogenous and distributional nature of institutions and of moving beyond the narrow property-rights approach to governance and development. This argument resonates with the prevailing conditions of extreme poverty, high unemployment, endemic corruption, wealth inequality even in countries deemed stable

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democracies in Africa. Onyukwu Onyukwu et al (Chapter 8, this volume) calls it Africa’s unique paradox of economic growth and poverty. They put it in no uncertain terms thus:

“Seven of the 10 fastest-growing economies of the past half-decade are in Africa. Income per person... has in fact risen in sub-Saharan Africa over time; it has climbed by two thirds since 1998, to nearly $2,200 from just over $1,300. This average trend notwithstanding, the achievement of economic growth among countries in sub-Saharan Africa over the period remains uneven and mixed with several reversals. However, what is curious about the African growth record is its inability to generate decent jobs for the large army of unemployed youth, reduce poverty and social inequality among citizens”

Conceivably, while some attribute this situation to the nature of the distributive politics and the contextual endogenous factors inherent in the existing institutions as pointed out by Avellaneda, others such as Oswaldo De Rivero are more scathing and pessimistic in describing “developing countries as unfinished national projects that do not actually and will never develop in the path of the developed world.5

In support of his arguments, he asserts that most developing countries including all African countries are children of the enthusiasm for freedom and not off springs of middle class prosperity and scientific and technological progress. In fact African countries emerged without any national development options due to their unfortunate coincidence of their independence with a technological revolution which needs only their raw materials.6

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This brings to light the critical issue of the nature of the African state which has been in contestation over the past half century.

The nature of the African state has always been in context especially in discussions regarding its developmental trajectory. In response to the crisis of development and the efficiency of the African state, the dominant response pilloried by the international community represented by the Bretton Woods institutions has been to work towards reducing the size of the state sector. This gained huge acceptance with the collapse of the Soviet Union and what Huntington labeled the “third wave” of democratization. The so called “Washington Consensus” model while it may have brought about some macroeconomic stability in African countries leading to the ability to resist the Global Recession, it grossly deepened poverty and set many Africans backward. This is because during the structural adjustment programs budgets for social services such as hospitals were negatively affected leading to a reduced life expectancy in the 1980s and 1990s and which to some extent fuelled the civil conflicts in Africa as some saw access to state power as a root to state resources.

Based on the above analysis, it can be argued that, while strong institutions have a bearing on economic growth and therefore the potential for achieving human security to some extent, it is important to take into consideration a conceptual distinction between the rules of the game - strong institutions=good governance=economic growth=poverty eradication, and the playing of the game - distributive politics and between the political and the institutional embedded in the concept of governance. It should also be noted that in Africa the rules of the game and the evaluative parameters are usually not defined by Africans who are better armed with knowledge of the endogenous factors and playing the distributive politics are consequent on those endogenous factors.

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Institutional Governance in Africa

The African state has invariably been described as weak state, quasi-state, pseudo state depending on the context. The overriding question then posed would be how can the institutions created within a weak foundation be strengthened? De Rivero adequately responds to this question with regards to “developing countries” by pointing out that the reason why western developed countries have been able to attain stability, economic growth and ensured human security is because in the majority of industrialized countries, national identity preceded the formation of state authority. Consequently, the nation reflected above all the joint emergence of the middle class and a market of national dimensions which formed the basis for the modern state. In contrast this sequence is reversed in Africa in the sense that political authority and the state emerged from independence before the nation or before developing a true bourgeoisie and a unifying national capitalist economy. For this reason, conflicts over identity, nationality, natural resources are common place as a result of the very nature of the African state and its institutions.

Conventional wisdom on strengthening institutions as the panacea to Africa’s challenges is well reflected in the Development community whose mantra has been since the 80s and 90s that, ‘institutions matter’. This is well captured in Hernando de Soto’s book “The other path” which reminds the development fraternity that property rights and well functioning legal institutions lead to efficiency. The efficiency of institutions to provide a pathway to economic development is also incapsulated in the 2013 World Bank’s Ease of Doing business index which ranks 189 economies on the efficiency of the regulatory framework for doing business. Based on the Index, only six African countries feature within the first 100 countries with Rwanda being the

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8 De Rivero Op.Cit
9 De Rivero Op.cit
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The easiest country to register and operate a business in Africa with a global ranking of 32, following by South Africa 41, Botswana 56, and Ghana 67. The reality here is that, the existing bottlenecks in the process of doing business in Africa are a significant barrier to new business formation and that pushes poor entrepreneurs into the informal sector which is the case in Africa. As De Soto concludes, the often dynamic informal sector serves as the only source for certain goods and services in poor neighborhoods. Also the lack of formal enforceable property rights reduces the investment horizons and prevents small business expansion.11

Once again the above position supports the dominant thinking of an inextricable link between institutions and economic development. However Fukuyama, has revealed that- and to the agreement of several economists- the post cold war dominance by economists who pushed strongly for liberalization and a smaller state even in Africa where without the state, there was nothing left, had missed several economic variables affecting development to the advantage of politics rather than economics. Today the result in Africa has been attempts at reinventing the wheel through the development of new strategies for economic growth, anticorruption strategies and the search for a new path towards job creation and political stability taking into consideration endogenous factors. This is the path Africa must take but as to its destination so far, the jury is still out considering that external pressures tied to access to finance might swing the pendulum to different directions. The massive concentration on the scope of the state in Africa has largely ignored the endogenous factors inherent in Africa in the state-building process.

As Fukuyama points out all forms of conventional wisdom should make us cautious.12 This is what makes Avellaneda’s work very interesting as

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it looks away from the rules of the game to how the game is played. Africa has been more focused on the rules of the game and ostensibly, these rules are not working for the average African. The reason for this relates to the conceptual challenges inherent in the rules of the game.

The way forward for Africa therefore is to identify those conceptual problems which have more often informed our understanding and therefore the approach to Africa with regards to the study of new institutionalism and international political economy so as to benefit policy. It is equally important, especially at the policy level to assess the merits of the good governance approach to economic development, growth and their nexus to human security in Africa in the light of two central concerns- the failure to comprehend the political sources of Africa’s governance and economic development trajectory and the endogenous nature of Africa’s political institutions.

At a conceptual level, there is no doubt that per capita income and the quality of governance are strongly and positively correlated across countries. But the preponderant issue is the understanding of the capacity of institutions. Issues of democracy, decentralization, participation, social capital, culture, gender, and ethnicity have all been added to the economic development pot as ingredients bearing on the final taste of the stew. What is not however clear is how much and to what extent all these concepts contribute to economic development and positive human security outcomes.

Now, in looking at those outcomes, the supply side of institutions is critical. Fukuyama has identified four nested aspects of ‘stateness’ which needs to be addressed within the context of the supply side of institutions in trying to gauge institutional capacity. They include (1) the organizational design and management, (2) the political system...

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13 Avellaneda, Op cit
14 Ibid
15 Ibid
design, (3) the basis of legitimization, and (4) cultural and structural factors.

The focus here would be on Fukuyama's first nested aspects of stateness which refers to the organizational design and management of African state because all governance problems in Africa stem from here. One would not be patently wrong to say that the African state is badly organize, badly designed and badly managed in comparison to the more developed countries of the west. A case of the strength of institutions in the developed world was tested when in 2011 the Kingdom of Belgium functioned for 589 days without an elected government. In Africa such a scenario would have been naturally chaotic tense and border on a failed state.

The organizational Design and management of African governance institutions

The design and management of most African states can be attributed to the system of public administration inherited from the former colonial masters. This to some extent provides two broad categories of African public administration systems – the francophone and Anglo-Saxon systems. Shy from rehashing history, it is clear that while administrative design is susceptible to formalization and transferability across societal lines, there is no optimal form of institutional design and administration. This is the reason institutional design and management is more of an art than a science.\(^\text{16}\) In fact while African governance institutions may have certain if not most of the features of their former colonial masters, the inclusion of context specific information and practice impedes an imputation of the existence of clear cut best practices. This has implications on gauging how to strengthen institutions in developing countries in Africa. The question of the transferability of institutions and their ability to deliver a higher standard of living to the people is still the question. From all indications this has not been the case in

\(^{16}\) Fukuyama, Op cit.
spite of the noticeable increase in per capita income in some African countries. The transfer of institutions from the developed world to the developing world and specifically to Africa and the continued attempts by the developed world to strengthen these institutions in the hope that they will serve the peoples of the developing countries has not worked. According to De Rivero it is a “myth” that African countries or Latin American countries will develop. This is how he puts it:

“Since the industrial revolution and the emergence of the modern nation-state in Europe and the United States, more than 194 nation-states have been born, most of them in Latin America, Asia, the Middle East, Africa and Oceania. A type of historical ‘law of diminishing returns of the possibility of national viability’ has accompanied this proliferation across the years. In reality, the majority of the nation-states that arose in the nineteenth and twentieth century… could be better considered as unfinished national projects that do not develop. They are quasi nation states.” 17

The apparently pessimistic but realistic view of De Rivero is confirmed by Paul Collier in his work titled “The Bottom Billion” when he aptly captures this trend by stressing that a large chunk of the population of the world is being left behind in the development outcomes. In a scathing assessment he indicates that “the countries in the bottom billion- including all African countries (my addition) coexist with the twenty-first century, but their reality is the fourteenth century: civil war, plague, ignorance.”18 The question then is if African countries as well as their institutions were created by the developed world and have been continuously adjusted with the help of the developed world, how come

18 Collier, Paul. 2007. The Bottom Billion: Why the Poorest Countries are Failing and What can be done about It. London: Oxford University press. Pp 4-5
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the institutions are not producing the same type of outcomes obtainable in the developed countries? Why would several people in Africa live in fourteen century conditions in the twenty-first century in spite of the continued engagement with their former colonial masters and the improvement in education? Paul Collier finds the answer in ‘traps’. To him some countries are caught in the development traps. In Western countries, development traps have become a fashionable area of academic dispute with a fairly predictable right-left divide. The right tends to deny the existence of development traps by asserting that any country adopting good institutional democratic and economic policies will escape poverty. On the other hand, the left tends to see global capitalism as inherently generating a poverty trap. Depending on which ideology triumphs in elections in Western donor countries, the policy approach to African development will be informed by the ideological inclinations of the party in power in the Western donor country. The issue then remains to be seen where Africa sits in the strong institutions leading to the delivery of human security continuum? In fact many authors have looked into other factors such as the role history and geography play in economic success. A case in point is Jeffrey Sachs (2001) who contends that geography reflected in weather conditions and access to sea-trade plays a major role in countries’ economic success. Others such as Acemoglu et al (2002) have instead emphasized the primacy of colonial institutions and their impact on long term development. Their work stress that the variations in local conditions faced by European colonizers “played an independent role in the emergence of institutions and their impact on long term development”. Other studies indicate the importance of factor endowments, ethnicity and heterogeneity, legal

19 Op Cit. P5
traditions colonial heritage and religious composition as critical factors affecting both the pace and quality of development.

However, it is worth indicating that Africa’s institutions as well as her development trajectory have all been affected by all the factors above.

In his study on civilizations and wealth creation, Niall Ferguson disagrees with the assertion that geography has anything to do with wealth creation and a higher standard of living. In his series titled “Civilization: The West and the Rest” he points to six major functional complexes which have set the West apart from the rest of the world in terms of wealth creation and a higher standard of living. They include “competition” which has fostered the growth of political and economic competition thus giving birth to the nation-state and the rise of capitalism; “Science” which enabled the west to advance militarily and academically; “property rights” such as land ownership and its ties to the democratic process which gave the United States a more productive, stable footing than its neighbors in South America; “Modern Medicine” which has doubled life expectancy in both the developed and less developed world; “Consumerism” which enabled American goods and fashion to bear a message of freedom and finally “work ethic” based on Protestantism in the United States which stressed hard work, saving and literacy. It is clear that, if these are what set the West apart from the rest of the world, these functional complexes have not taken root in Africa. Be that as it may, attempts at strengthening African institutions through a slim government based on the IMF Structural Adjustment programmes in the 1980s and 1990s which to some extent have led to economic growth against a backdrop of global economic recession still faces some of the challenges faced by the West – that of redistributive politics.

The pattern of redistribution has led to a despicable gap between the have and the have-nots. Economic liberalization has prioritized the profit motive to the detriment of welfare. In order to fight inequity in
a growing African economy, it will be important to combine the profit motive with the yearning for social justice.

**Bridging the Wealth Gap in a growing African Economy**

A growing number of African countries are making a headway in strengthening the democratic institutions and steadily growing their economies. It is however clear that, in achieving this, the budget cuts imposed by the Structural Adjustments Programmes played an important role in reducing welfare provisions by African governments. While welfare helps in poverty reduction, it has been strongly argued that economic growth can end poverty. Lessons from Asia over the past half century indicate that, there are two critical ways to raise incomes – create jobs and create more jobs.²² The growth in African economies is not creating enough jobs mostly for the youth. Africa is a continent with over 200 million youths aged between 15-24 years old. The current trend indicates that, this number will double by 2045 according to the 2012, *African Economic Outlook* report prepared by experts from the African Development bank (AFDB), the United Nations Development Programme (UNDP), The United Nations Economic Commission for Africa (ECA) and the industrialized countries’ Organization for Economic Cooperation and Development (OECD), among others.

The story of Africa’s worrisome youth unemployment is often told alongside the story of the continents steady economic growth. More specifically, while six of the 10 fastest growing economies in the world are in Sub-Saharan Africa, the unemployment rate for the region is 6% (AFDB, 2012) compared to the world average of 5%. More gruesome is that, the African youth account for 60% of the African unemployed (World Bank, 2012).

The causes of poverty and rising inequality have been the subject of a rancorous debate among economists, politicians and activists. The path for Africa is the promotion of business friendly policies that unleash

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growth while at the same time, taking steps to ensure the benefits of growth are spread more widely and equitably. In order to do that, education will be critical. African economies have to develop highly skilled workers for the jobs of the 21st century. The education-job relationship is further revealed in a 2014 publication of South Africa’s (Africa’s Second Largest economy), more that 800,000 unfilled skilled positions in the country.\(^{23}\) According to the Adcorp the skills shortage in relation to unemployment stands as follows:

“In terms of actual numbers broken down by occupation, the skills shortage among technicians is 432 100, among managers 216 200 and among professionals 178 400. In sharp contrast, a total of 967 600 elementary workers are in excess of the nation’s needs, as are 247 400 domestic workers. Adcorp warns that South Africa’s skills shortage poses a significant limitation on the country’s long-term economic growth potential, with viable economic opportunities often rendered thereby unviable.”

The South African situation is no different from several other African countries with appreciable economic growth. This situation forced African Leaders to attempt to tackle the youth unemployment situation when they met in 2009 in Addis Ababa, Ethiopia and declared 2009-2018 the “African Youth Decade” and resolved to mobilize resources including from the private sector for youth development. Their plan of action emphasized the need to address both unemployment and under employment. Two years later, meeting in Equatorial Guinea, they once more promised the “creation of safe, decent and competitive employment opportunities for young people”. While some African governments such as Ghana have made some efforts to match words with action by creating youth service and empowerment programmes to equip college graduates with requisite skills and help them find jobs, a country like

Mauritius have opted to develop a plan to encourage technical and vocational education for young people. On its part Zambia introduced a national youth policy and youth enterprise development programme as a component of the existing national youth service corps and went further to introduce a business plan competition, dubbed “YouWin” which grants winners start-up financing. It is however not clear how much impact such national initiatives have had on youth unemployment. On the whole the World Bank has proposed a jobs strategy that pays more attention to rural development, invests in agriculture, sensitive to migration of youth to urban areas and prepares them for the contemporary labor market. It is believed such comprehensive measures will go a long way in creating wealth, and fighting inequity more broadly in the continent.

Conclusion

Given the fraught history of the statebuilding project in Africa and its enormous contradictions and divergent histories, it is not remarkable that most African states suffer from a deep crisis in their capacity to provide physical and human security as well as basic services to its population. Discussions of such institutional crises frequently suggest that, when a state fails power is no longer exercised within its territory. In fact, the control of power becomes more important than ever even though it is exercised in an incoherent fashion.

It is imperative that strengthening democratic institutions, crafting economic policy must first and foremost, take into consideration the local dynamics of power. The weberian definition of the state as the claimant to a monopoly of the legitimate use of force is less a definition of what a state is than what it does. The legitimacy and sustainability of local power structures depends ultimately on local actors. Certain policies either internal or external can and should assist in channeling

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political and economic power through institutions rather than individuals thus realizing the ‘strong institutions’ versus ‘strongmen’ argument like in western countries and through civilians rather than the military such as the much heralded imposition of term limits on heads of state and government; discouraging unconstitutional changes in power; ensuring free and fair elections; implementation depends on the capacity of local leaders to submit themselves to the rule of law and the local populations to hold their leaders to the set standards.

Current efforts at statebuilding in Africa attempt in part to reproduce the better effects of empire such as inward investment, pacification, impartial administration without reproducing its worst features such as repression, corruption and confiscation of local capacity. It is however important to note that even African states cannot be made to work from outside. While international assistance is necessary it will always be deficient in the establishment of legitimate and sustainable institutions without local buy-in. Foreign action must play a complementary role in the creation of local processes, providing resources and creating the space for local actors to flourish in the definition and consolidation of durable institutions and policies which are responsive to the needs of the population. This must be the future of an Africa where the local populations hold their leaders to account; policies respond to the human security wellbeing of the population and practices which adhere to the indigenous requirements of the people. With local buy-in this type of polity is bound to be legitimate and therefore sustainable.
PART ONE

Strengthening Institutional Governance
Understanding Political Legitimacy in African Emerging Democracies: The Juridical, Symbolic, and Instrumental Legitimacy Interface

Michael Jana

Contextual Background

Debates on the political legitimacy of the state in Africa have generally concluded that most states have little to no legitimacy. Pierre Englebert for instance observes that most states in Africa are not embedded in the African societies and that most Africans do not naturally relate to and pay allegiance to the state. Most state institutions are said to have no historical connections to African culture and traditional institutions, hence provide little continuity and compatibility to African governance institutions and way of life. This is said to have led to a lack of political legitimacy of governance institutions, a situation that has compelled political leaders to seek alternative networks of political support, such as patrimonialism and official corruption, thereby diverting state resources that could have been used for developmental purposes. State fragility and development crisis in Africa is therefore linked to the supposed legitimacy crisis of the state in Africa.

Probably the most common analysis of the legitimacy crisis of the state in Africa is based on the states’ poor performance on political and economic fronts. The whole discourse on African ‘weak’, ‘impotent’, ‘soft’, ‘prebendal’, ‘lame Levianths’, ‘patrimonial’, ‘predatory’ and ‘kleptocratic’ states, forms the basis for the argument on poor state performance, hence the loss of legitimacy of most states in Africa. Since

independence, African economies have grown dismally and poverty has increased – a problem often attributed to poor economic and political governance\textsuperscript{3}. The poor human rights record and poor government service delivery has in most cases been seen to result in disengagement of civil society from the state\textsuperscript{4}. Disengagement of civil society from the state in this case entails citizens’ withdrawal from formal governance mechanisms. This includes the growth of black markets, the informal sector, and corruption. This citizen disengagement from the state is a manifestation of the state’s lack of legitimacy.

The democratization drive in early 1990s in Africa therefore brought the hope of creating states that are capable of satisfying people’s political and economic needs. In a way, the process was part of the project to legitimize the state, this time through popular participation within the liberal paradigm\textsuperscript{5}. Despite this drive, the legitimacy of the state in Africa still remains low and volatile\textsuperscript{6}.

It has been observed that different state institutions often enjoy different levels of legitimacy\textsuperscript{7}. Thus, state legitimacy is essentially an aggregate of ‘legitimacies’ from different state institutions. For illustrative purposes therefore, this chapter uses evidence from people’s evaluation of predominantly two state institutions namely the executive and parliament. The rationale is that, in a democratic dispensation, of which many African states are trying to adopt and consolidate, the executive and the parliament constitute two key state institutions that represent

the will of the people in the governance of the state, and thus constitute the heart of a democratic state.

The aim of this chapter is to enhance our understanding of political legitimacy in African emerging democracies. The main argument is that, political legitimacy, at least in emerging African democracies, has three minimum dimensions, namely: public perception of the acceptability and fairness of formal procedures guiding state institutions; public emotional attachment to the institutions; and public perception of performance effectiveness of the institutions. I label these dimensions as juridical; symbolic; and instrumental legitimacy respectively. The intersection of these three legitimacy anchors constitutes contemporary legitimacy in African emerging democracies. However, the anchors intersect at different layers and in different doses, with the juridical dimension laying the legal foundation; the symbolic dimension strengthening the affective affinity to the state; and the instrumental anchor sustaining the holistic legitimacy over time through people’s satisfaction with perceived performance of the system. Understanding these legitimacy dynamics is crucial for academics and policy makers who are keen on building sustainable democratic states in Africa.

This chapter uses literature on legitimacy supported by primary qualitative and secondary representative quantitative evidence from Malawi, and snap shot secondary representative data from other comparable African countries, to make the case for the three-pronged conception of political legitimacy as it applies in emerging democracies in Africa. The primary data was collected by the author using in-depth interviews and Focus Group Discussions (FGDs) among community members in Malawi between 2011 and 2012. The secondary data was collected from Afrobarometer online data base of surveys conducted in at least 12 African countries in 1999, 2005, and 2008.8

8 See http://www.afrobarometer.org
The Concept of Political Legitimacy

Political legitimacy is the oil that lubricates the machinery of the state and hence prevents friction and conflict in a political system. Without legitimacy, state institutions are fragile and tentative. Political legitimacy is therefore one of the key prerequisites to building a sustainable democratic state.

Government is a collection of institutions that acts as a machinery of the state. This collection of state institutions is said to be legitimate when the governed perceive its existence as justifiable and when they perceive the government to have the right to rule. This ‘involves the capacity of the system to engender and maintain the belief that the existing political institutions are the most appropriate ones for the society.’ Thus, government is said to be legitimate when the governed accept the power of the government as rightful and justifiable authority over them. The government’s acceptability by the people therefore guarantees its perpetual existence and right to rule over the people.

In the same vein, since government is a collection of institutions, the legitimacy of any state institution, entails people accepting the authority of the institution as rightful. This again involves the capacity of the institution to engender and maintain the belief that its existence is the most appropriate one for the society. In this vein, Dogan rightly points


out that different institutions may enjoy different levels of legitimacy\textsuperscript{14}. The legitimacy of government, and by extension of the state, therefore is in fact the aggregate legitimacy enjoyed by the totality of the state institutions.

However, political legitimacy is an elusive concept. It can mean different things to different people in different contexts\textsuperscript{15}. The plurality of the patterns and sources of legitimacy endangers the meaningfulness of the concept and its application. Rivals for political power, for instance, consider their opponents illegitimate and themselves legitimate. This makes it difficult to talk about legitimacy in general terms\textsuperscript{16}. This therefore calls for the need to clearly define the concept and the context in which the concept is applied. In this chapter, in a bid to define and understand political legitimacy in African context, patterns are drawn from the literature and supported by evidence from Malawi and various African snapshots.

Despite the elusiveness of political legitimacy, it is the key to understanding concepts and practice of power, authority, and state capacity\textsuperscript{17}. In Africa, for instance, it has been claimed that legitimacy crisis is partly responsible for the fragility and underdevelopment of states\textsuperscript{18}. It is said for instance that most state institutions lack that widespread public acceptance to the extent that public officials often seek alternative avenues to gain legitimacy such as through patronage. These alternative avenues drain state resources that would have been used for other development projects. In this context therefore, understanding political legitimacy in Africa is not only key to understanding state

\begin{footnotesize}
\begin{enumerate}
\item Sternberger, D, (1968), Op. Cit.
\end{enumerate}
\end{footnotesize}
power and authority, but also is key to understanding state stability and development.

What then should the state do to engender this belief that its institutions are the most appropriate for the society? This question, much as it seems to shift the focus from the meaning of legitimacy to how to achieve legitimacy, is crucial to understanding the nature of legitimacy. This is because, in contemporary politics, legitimacy is no longer a philosophical question of ‘why people should obey the state’ but a sociological question of ‘why they do obey a particular state or system of rule’19. To understand political legitimacy therefore, this empirical question demands identifying factors that can be manipulated by the governors to turn power into authority, and those that can be evaluated by the governed to create and maintain a perception that the governors and their institutions are rightful authorities. If we can unpack and address this question, we can meaningfully talk of legitimacy of rulers, regimes, and institutions, and know the implication of this characterization on power, authority, and state capacity.

It is important to note that people often talk of legitimacy in language and conception that reflect their evaluation and adherence to the governing system. It is therefore imperative in any legitimacy study to be aware of legitimacy indicators conceived from the perspective of the governed. One example of people’s subjective adherence to a system is expressed confidence in the system20. Thus, people’s confidence in the system may rise or drop depending on their evaluation of the fairness or performance of the system.

Another example of subjective adherence of the people to the system that is linked to confidence in a specific institution is trust. As Miller succinctly puts it:

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Political trust can be thought of as a basic evolutive or affective orientation toward the government…. The dimension of trust runs from high trust to high distrust or political cynicism. Cynicism thus refers to the degree of negative affect toward government and is statement of the belief that the government is not functioning and producing outputs in accord with individual expectations.

As can be noted therefore, trust, just like confidence in a specific institution, is an affective legitimacy indicator that can also be informed by people’s satisfaction with the performance of the institution.

Trust is normally attributed to officers or rulers constituting an institution. Analytically therefore, there can be legitimacy of an institution without trust in the institution. However, if too many officers of an institution are not trusted, the legitimacy of the institution is contested; and if a collection of institutions such as the parliament, the executive, the judiciary, the army, political parties, and the public service, are not trusted, the regime itself could become illegitimate.

**The Dimensions of Political Legitimacy in Emerging Democracies: Juridical, Symbolic, and Instrumental Legitimacy**

An analysis of classical to modern literature on political legitimacy, supported by evidence of people’s evaluation of representative state institutions in Malawi and some African countries, reveals that there are three indispensable dimensions of legitimacy that must be fulfilled especially in emerging democracies in Africa if democratic consolidation is to be achieved. These are: juridical legitimacy, symbolic legitimacy, and instrumental legitimacy.

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21 Miller as quoted in Dogan, M, (2003), Ibid, p. 121.
The Juridical Legitimacy

An analysis of classical Political Thought shows that classical political thinkers grappled with the question of political legitimacy, albeit couched in broader state theories. The theory of a just society by Plato (428BC – 347BC) indicates that individual roles in the running of a polity should be based on division of labour that depends on the individual capacities. For instance, he states that the polity should be ruled by (well trained) philosopher kings, or alternatively by the laws. This idea of a just society, to the extent that it deals with issues of an authentic and acceptable authority, bears on the problem of legitimacy. Thus, in Plato’s conception, a state is legitimate if, as a matter of procedure, it is ruled by philosopher kings or laws. This procedural or legal basis of authority forms the foundation for the modern juridical legitimacy.

Similarly, Aristotle’s (384BC – 322BC) theory of the state proposes that a constitutional rule must at least have three basic elements namely: rule in the public or general interest, rule based on consensus (not arbitrary), and government by willing subjects. Based on this conception of constitutional rule, Aristotle drew a distinction between good and perverted forms of monarchy, aristocracy and democracy - the good forms being the regimes that display the elements of the constitutional rule. In contemporary analysis, this distinction fits the legitimate/illegitimate or the acceptable/unacceptable rule dichotomy that has its roots in what is legally and procedurally sanctioned. Thus, any rule or institution that diverts from established constitution can be said to lack legitimacy.


The conception of the constitutionality of institutions and public officials, hence their legitimacy, is consistent with the medieval outlook of legitimacy. During this period, what is legitimate referred to what conformed to custom and customary procedure. This was further crystallized by the Romans when legitimacy assumed the form of lawfulness. For instance, an emperor was legitimate when chosen or elected by electors as per set laws and procedures. In this lawfulness or constitutionality conception of legitimacy, a critical question that needs to be answered is: who sets the laws and procedures that anchor the acceptability of institutions and public officers?

John Locke (1632 – 1704) probably articulated the human consent criteria of political legitimacy in a way that is instrumental in contemporary civil legitimacy discourse. In his social contract theory of the state, Locke rejected the divine right of kings and stipulated that kingship or any political leadership should be an office created by human agreement that serves the common good of the parties to the convention. In broader context, this conception forms the basis for modern democracies with their emphasis on popular participation in creation of leadership and formulation of public policies through such mechanisms as elections and public consultations. It also emphasizes the necessity for popular participation and consent in establishing laws and procedures that anchor authority.

Jean-Jacques Rousseau (1712 – 1778) is probably the bridge between the classical and the modern thought on political legitimacy. Just like Locke, Rousseau indicates that social order, which is a sacred right, is legitimate only to the extent that it is based on societal or human convention. He takes the conception of legitimacy further by implying that the human conventions are rendered legitimate or are validated if

they fully satisfy the general will. Human conventions in this case refer to customs, habits or institutions which have their source in human will. This understanding is a *déjà vu* of the medieval Roman conception where legitimacy meant conformity to customs and set procedures. The question however is: what is the general will? How would it manifest itself in a polity?

The difficulty to address these questions constitutes the ambiguity of Rousseau’s general will. Arguing in the context of legitimacy in a democracy, the domain in which this chapter is located, Guglielmo Ferrero attempted to break this general will ‘fiction’ by emphasizing that legitimacy rests on the blend of two pillars namely: majority government and minority opposition. By including the opposition, Ferrero also avoided the problematic conception that democracy is solely based on majority rule. This implies that juridical legitimacy in a democracy should be conceptualized to go beyond the majority consent of the set laws and procedures, and include the voices of the minority.

Max Weber (1864 – 1920) is another key modern legitimacy theorist whose ideas contribute significantly to our understanding of juridical legitimacy. Weber identified three main types of authority: the traditional; the charismatic; and the rational/legal authority. It should be noted in advance that by referring to authority, Weber was impliedly tackling the issue of legitimacy because, as we have noted in this chapter, authority is, by definition, legitimate power. Weber conceptualized traditional authority as an established belief in the sanctity of traditions and the legitimacy of those exercising authority under them. Charismatic authority, by contrast, was defined as devotion to the exceptional sanctity, heroism or exemplary character of an individual person and the normative patterns of order revealed or ordained by him. Lastly, rational/legal authority was defined as a belief in the legality of enacted

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rules and the right to those elevated to authority under such rules to issue commands. Weber indicated that as societies are getting more and more modernized, they get more biased towards bureaucratic governments. A bureaucratic government achieves legitimacy through following impersonal and rational procedures of decision-making. This rational/legal conception of legitimacy is consistent with the juridical legitimacy that acts as a prerequisite to democratic consolidation in emerging democracies.

Analysing the Weberian typologies using the modern democratic lens, it is important to note that the concepts of legitimacy and democracy are not one and the same thing, though a specific type of legitimacy may entail some level of democracy. For instance, historically, charismatic and traditional legitimacy are typically associated with authoritarian regimes. Examples in this case include Nazi Germany, Chinese emperors and Russian Tsars. The implication here is that authoritarian regimes can be legitimate. By analytical extension therefore, this chapter sets out with the assumption that a democratic regime may or may not be legitimate. It should also be noted that in contemporary politics, there are often mixed sources of legitimacy (charismatic, traditional, and/or legal) with many states, especially democratic states, leaning towards rational/legal authority.

Thus, the Platonic legal state, the Aristotelian constitutional rule, the Roman lawfulness, the Lockean social contract, the Rousseauan general will, and the Weberian rational/legal authority, are all variants of what we conceptualize in this chapter as juridical legitimacy. This conception of legitimacy fits into the contemporary conception where popular election and consent in conformity with set laws and procedures is one of the key criteria to political legitimacy. Thus, Juridical legitimacy in emerging democracies is when the governed perceive the governors

32 Ibid.
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and their institutions as rightful authorities based on established laws, policies, and procedures of the specific society.

Evidence from Malawi and other emerging African democracies shows that the perceived procedural fairness of a state representative institution is a key variable in people’s trust in, hence legitimacy of, the state.

Using Afrobarometer indicator\(^5\), the graph below illustrates Africans’ perception of procedural fairness and hence juridical legitimacy of representative state institutions. The graph shows proportions of people in Malawi and 18 selected African countries\(^6\) who think that elections ensure that members of parliament (MPs) reflect the views of the voters.

**Figure 1: Public Perception of Elections’ Fairness**

As can be seen from figure 1 above, just over half of Africans in 18 selected African countries in 2005 thought that elections ensure that

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35 The question in the Afrobarometer questionnaire used to measure this indicator reads: ‘Think about how elections work in practice in this country. How well do elections: ensure that the members of parliament reflect the views of the voters?’ This question was asked in 2005 and 2008 surveys.

36 Afrobarometer conducted surveys in 18 African countries in 2005, and 20 African countries in 2008. In this illustration, to ensure that the results are statistically comparable, I only used 18 African countries that were surveyed in both 2005 and 2008. The countries are Benin, Botswana, Cape Verde, Ghana, Kenya, Lesotho, Madagascar, Malawi, Mali, Mozambique, Namibia, Nigeria, Senegal, South Africa, Tanzania, Uganda, Zambia, and Zimbabwe.
parliament representatives reflect the views of the voters in parliament. This proportion did not change much in 2008. In Malawi, there was a significant increase in the proportion of Malawians who thought that elections ensure that parliament representatives reflect the views of the voters, from 33% in 2005 to 70% in 2008. This signifies a remarkably increasing public confidence in legal procedures that facilitate the representativeness of state institutions. From a juridical legitimacy point of view therefore, this implies people’s endorsement of the lawfulness and procedural fairness, hence legitimacy of parliament as a state institution. This evidence shows Africans’ endorsement of fair election procedures and laws as a legitimate avenue to ensure the reflection of the general will, hence puts a stamp on political legitimacy of the representative state institutions.

It should however be understood that elections are not the only procedural or legal basis of state institutions that people consider when evaluating the state. Qualitative evidence suggests that people’s recognition and assessment of governors and governing institutions is also based on other accountability laws that are existing or that they wish existed to strengthen the legitimacy of the governing institutions. The quotation below illustrates this rational/legal outlook:

> It’s just so sad that we cannot impeach our MP, we need that law. If we had that law, we would definitely have impeached our MP and that is a fact. Had parliament accepted that non-performing MPs get impeached, as is the case with the President, Mr Pitala\(^\text{37}\) would have gone long time ago\(^\text{38}\).

The above quotation illustrates the public endorsement of rational/legal evaluation of governors. The quotation shows that the incumbent MP is surviving in his office because the office is guaranteed by the existing laws that do not allow the impeachment of a sitting MP.

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37 Not a real name, to maintain confidentiality
38 FGD with mixed gender group, Urban Central Region, Lilongwe, Malawi, 11 July 2011.
It is therefore clear from the above discussion that popular recognition and perception of set rules guiding the institution of governing state bodies are key in understanding state legitimacy especially in emerging democracies. Thus, a state institution, and hence the state as a collection of institutions, can be said to be legitimate if the governed perceive the governors and the institutions as rightful authorities based on established laws, policies, and procedures of the specific society. This implies that lack of or violation of legal basis of any state institution undermines the legitimacy of the state.

**The Symbolic Legitimacy**

Symbolic legitimacy can be easily understood if we first recognize the fact that politics of the state are partly a product of the specific societal psycho-social dynamics. The nature of the state is a dependent variable in the societal equation. This recognition cuts across ideological divides. For instance, Marxists consider the state or nature of the state as a result of class conflict. On the other hand, liberals or pluralists consider the state as a result of utilitarian consensus or value consensus. This perspective implies that, much as many political concepts and phenomena are often extravagantly accorded universal meanings, they can only be understood within a specific societal context. Discussing the concept of political legitimacy, Mattei Dogan indicates that:

> Power, legitimacy, trust and effectiveness do not have identical meanings in London and Jakarta, or in Washington and Cairo. The ambition to encapsulate these concepts in definitions of universal validity may be a sin of Western cultural ethnocentrism.

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From this premise, it is recognized that the notions of political legitimacy in a specific society are embedded in the societal culture. Understanding political legitimacy in a specific time and space therefore demands comprehending the psycho-social cultural dynamics embedded in the relationship between the government and the society.

In Africa, as anywhere else, notions of political legitimacy are expressed in daily discourse between and among political elite and the societal members. To comprehend African political legitimacy, it is therefore imperative to examine the specific language, metaphors, and other images used to transmit thoughts about politics in Africa.

Jean-Francois Bayart characterizes African politics as the ‘politics of the belly’. The politics of the belly is the phenomenon of ‘eating’ the fruits of power. The extent to which officeholders monopolize or share these fruits with the larger community has, however, significant consequences for the leaders’ legitimacy. This implies that, those leaders who eat the fruits of power without sharing with the people enjoy less or no legitimacy than those who share the fruits of power. The fruits of power here is broadly conceptualized as state resources that are allocated by politicians formally and/or informally.

Michael Schatzberg refines and expands the belly politics analysis in his study of African ideas and languages in African political culture. His analysis suggests a moral matrix of legitimate governance embedded in familial and paternal metaphors that shape the belly politics. The moral matrix of legitimate governance is premised on portrayal of a ruler as a ‘fatherchief’, who has an obligation, on the one hand to nourish and nurture his ‘family’, and on the other to punish his ‘children’ when they do wrong and pardon them if they truly repent.

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42 Schatzberg, M, Ibid.
Another premise concerns the role of women. While they are not considered as equal to men, they are supposed to be respected as ‘counsellors and advisers’.

And the last premise holds that permanent power is illegitimate, and political fathers should allow their children to grow, mature and take on the responsibility in their lives and that of ruling.

This conception implies that rulers who eat within limits and feed their families and children, respect and listen to their ‘wives’ and ‘daughters’, and allow their ‘children’ to succeed them in power, enjoy popular support (legitimacy). In this context, Africans will therefore be satisfied with a regime that responds to this norm of accountability and legitimacy.

Symbolic legitimacy is not unique to African politics. Graeme Gill presents a compelling historical analysis of how the Soviet regime utilized ideological symbolism in language, visual arts, the physical environment, and ritual, as a political tool to control the population in its efforts to establish a communist nation. The regime’s success to use symbolism is one key factor that created and strengthened its legitimacy. In this context, symbolism proved to be a subtle force that anchored the power and authority of the communist regime.

This conception of legitimacy has significant overlaps with the Weberian traditional authority in as far as it hinges on societal history and established daily discourse and values. If leaders and institutions manage to establish themselves as ‘fathers’ and the people accept and respect them as such, this forms a societal and traditional basis for accepting the existing powers and authority hence the legitimacy of the institutions.

The symbolic legitimacy conception is also consistent with Pierre Englebert’s notion of ‘societal embeddedness’. This notion suggests

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that a state is legitimate when its institutions have historical and cultural connections to the specific societal way of life\textsuperscript{46}. In this case, people naturally relate to and pay allegiance to the state within their traditional institutions.

The above literature analysis therefore shows that symbolic legitimacy hinges on affective and symbolic ties of the governed to the governors and/or the governors’ institutions. The governed recognise and accept the governing authority on the basis that they feel emotionally attached to the governors. This emotional attachment is often symbolically expressed in established lingual, traditions, values and structures such as familial relations.

Evidence in Malawi and other comparable African emerging democracies supports this conception of legitimacy. Using Afrobarometer indicator\textsuperscript{47}, figure 2 below shows the proportion of Malawians and, comparatively, of Africans in 16 African emerging democracies who considered government as their ‘parent’ in 2002 and 2008.

\begin{figure}[h]
\centering
\includegraphics[width=0.5\textwidth]{figure2.png}
\caption{Proportion of People who consider Government as a Parent}
\end{figure}


\textsuperscript{47} The Afrobarometer question read: Which of the following statements is closest to your view? Choose statement 1 or statement 2:

Statement 1: People are like children; the government should take care of them like a parent.

Statement 2: Government is like an employee; the people should be the bosses who control the government
Figure 2 above shows that in 2002, 58% of Africans in 16 countries agreed or strongly agreed that government is like a parent and people are like children, compared to a big majority of 70% in Malawi. By 2008, the 16 African country average had not changed whereas Malawi’s proportion went down to 59%. On the whole, this implies that, in 16 African countries, the majority of Africans consider their governments and their leaders as parents who need to take care of the people as children. This is consistent with the symbolic legitimacy conception discussed above.

Although the proportion of people having this perception did not change on average in 16 African countries between 2002 and 2008, the proportion of Malawians who considered government as a parent decreased from 70% to 59%. Thus, although in absolute numbers the majority of Malawians still considered government as a parent, this feeling among the Malawi society was eroding, implying erosion of familial attachment that defines symbolic legitimacy of government. This is consistent with Max Weber’s proposition that as societies get modernized, they tend to move away from traditional forms of legitimacy towards rational/legal forms of legitimacy\(^{48}\). Thus, much as symbolic legitimacy still predominantly defines the relationship between the governors and the governed in many African emerging democracies, the Malawi evidence suggests that there is potential that this mode of legitimacy will wither away as the democracies mature.

Another critical dimension to this finding is that most of those respondents who did not consider government as their parent actually considered government as an employee and people like bosses. That is, in Malawi in 2002, about 28% of Malawians perceived government as an employee and people like bosses compared to 38% in 2008. Public perception of government as an employee of the people has huge implications for public demand for government accountability. The more people consider government as an employee of the people,

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the more they will demand accountability. On the other hand, people who consider government as a parent have a low probability of actively demanding government accountability\textsuperscript{49}. Thus, it can be implied that, by 2008, more Malawians than in 2002 were more likely to actively demand government accountability\textsuperscript{50}.

Qualitative data shows that Malawians still value and use these familial symbolisms to describe their relationship with government. By ‘government’ the data shows that people often referred to elected representatives such as the President and members of parliament, and representative institutions notably the executive and the parliament. The quotations below illustrate this conception:

\begin{quote}
I feel government doesn’t take into consideration the kind of life that we live here in the villages, because government is supposed to be the parent of the poor but it doesn’t take good care of its people,… we have a lot of challenges. We are so worried here.\textsuperscript{51}
\end{quote}

\begin{quote}
…our MP (member of parliament) doesn’t come here... We are like orphans here\textsuperscript{52}.
\end{quote}

From what I know, the duty of an MP is to look after his constituency which has voted him to take up that seat and be able to know the problems that people are experiencing in his constituency. When he does that he takes up all such issues to the parliament when they open for discussions and he presents


\textsuperscript{50} Recent Afrobarometer findings that emerged at the time of writing this chapter actually show that more Africans than in 2002 consider government as an employee of the people, suggesting that Africans are shifting from being mere voters to becoming citizens who demand accountability from their governments. This in a way is further evidence for the erosion of familial affective attachment to government (see Logan and Bratton on \url{http://africaplus.wordpress.com/africa-demos-forum-2/claiming-democracy-are-voters-becoming-citizens-in-africa/}, website accessed on 1 January 2014)

\textsuperscript{51} FGD with female group, Rural Central Region, Lilongwe, Malawi, 30May 2011.

\textsuperscript{52} FGD with mixed gender group, Rural Central Region, Lilongwe, Malawi, 30 May 2011.
all such issues. But our MP does not mention of such issues even though he goes there…, it’s like we don’t have a parent to look after us.\textsuperscript{53}

Analysis of the qualitative evidence shows that Malawi government, as a collection of institutions and officials, is slowly losing its status as a parent in Malawian societies, hence losing legitimacy. The evidence suggests that, in the interaction between the people and the governors, any deviation from the symbolic (and more specifically familial) relationship is indicative of waning legitimacy of the governors. Thus, symbolic legitimacy seems to be definitive in the relationship between the governors and the governed.

**The Instrumental Legitimacy**

In modern constitutional democracies where the ‘rule of law’ takes centre stage, as long as power is legally and procedurally sanctioned, people seem to be constricted to question the authority of the power no matter how ineffective that power is in achieving human wellbeing. The primacy of legality and procedure of power at the expense of the effectiveness of the power is in fact the limitation of juridical legitimacy in modern politics. There is therefore need to rise above juridical conception and move towards substantive legitimacy. One way of doing this is to ascertain the legitimacy perception of the governed and the means and ends of power from the perspective of the governed. This broadens the legitimacy debate from the narrow moral and legal obligation angle to a broader political behavior perspective as our focus shifts to analyzing substantive conditions that encourage people to see authority as rightful\textsuperscript{54}.

Analyses that go beyond legalistic and moralistic dimensions of legitimacy tend to include an assessment of performance of state institutions, especially from the perspective of the governed. Most

\textsuperscript{53} FGD with mixed gender group, Rural Southern Region, Blantyre, Malawi, 6 June 2011.

African states, for instance, have largely been characterized as weak and fragile, and losing legitimacy, on the basis that they have not achieved meaningful economic and political development to the satisfaction of their people\textsuperscript{55}. In this analysis, the legitimacy of state institutions is not only based on the fact that the institutions are legally constituted, but, like ‘parents’, they are expected to be providers – sometimes even beyond their legal mandate. This real or imagined public expectation of state institution performance therefore to some extent overlaps with Jean-Francois Bayart’s analysis of ‘politics of the belly’ where the governed expect the governors to share the fruits of power, and the governors’ ability to achieve this has an implication on their legitimacy\textsuperscript{56}.

A critical analysis of this legitimacy dimension in modern politics leads us to the relationship between legitimacy and effectiveness of a specific institution. While effectiveness is primarily instrumental, legitimacy is evaluative. However, much as the two variables are strictly not one and the same thing, they feed into each other – the presence or absence of one can, in the long run, lead to the growth or loss of the other\textsuperscript{57}. For instance, it is said that effectiveness in Singapore, South Korea and Taiwan gave the regimes legitimacy over the long term. On the other hand, the Soviet Union and Eastern Europe satellites’ ineffectiveness since 1989 ruined their legitimacy\textsuperscript{58}. In this case, there seems to be a high positive correlation between legitimacy and effectiveness. In analyzing legitimacy therefore, effectiveness can reliably be used as a proxy for legitimacy. This becomes useful especially considering that the instrumental properties of performance effectiveness are easier to observe empirically than the evaluative properties of legitimacy itself.

To get close to legitimacy however, performance effectiveness should

\textsuperscript{58} Dogan, M, (2003), Op. Cit.
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primarily be measured from the perspective of the governed that use perceived effectiveness to evaluate an institution thereby holding the stamp to legitimacy.

This approach retains not only the instrumental properties of effectiveness but also the evaluative properties of legitimacy. It is however important to verify the perceptions of performance effectiveness with observed objective achievements of the specific institution to ascertain if the people’s perceptions are based on some objective truth, and not on lack of knowledge or manipulation.

This instrumental conception of legitimacy is consistent with the position of Crawford Young when he indicated that people would naturally relate and adhere to a government that performs to their satisfaction. Therefore, instrumental legitimacy is premised on people accepting authority of an institution on the basis that they perceive the institution to have performed and satisfied, or to have the potential to perform and satisfy, their needs.

Evidence from selected emerging African democracies overwhelmingly supports the instrumental legitimacy dimension. The more the people feel that a specific governor or governing institution is satisfying their needs, the more they trust the governor or the institution, the more the governor or the institution enjoys legitimacy and the vice versa. Figure 3 below illustrates this:

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Figure 3: Public Perception of MPs’ Performance versus Public Trust of Parliament in 12 African Countries\textsuperscript{60}

![Graph showing public perception of MPs' performance versus public trust of parliament in 12 African countries.]

As can be noted from figure 3 above, public trust of parliament is highly correlated with public approval of MPs’ performance; the more people disapprove of MPs’ performance the more they lose trust in parliament, and vice versa.

In-depth qualitative perspective of community members in Malawi is consistent with this trend. The qualitative evidence from Malawi from both rural and urban areas overwhelmingly confirms that public trust in parliament, and indeed any government institution, is strongly associated with the perceived performance of the institution, as the quotations below demonstrate:

…parliament is useless and irrelevant as we speak because it doesn’t address our needs. If we say we want portable water here, why should we wait for 5 years, or 10 years for us to access safe water? That’s why we are saying parliament is bad. If it

\textsuperscript{60} The 12 countries are Botswana, Ghana, Lesotho, Malawi, Mali, Namibia, Nigeria, South Africa, Tanzania, Uganda, Zambia, and Zimbabwe.
were that parliament is swift in addressing our needs, we could not lie to you, we would say they are delivering. Otherwise, there is no beating about the bush on this issue.\textsuperscript{61}

However, on the part of the MP I don’t think we can say that we accept his authority wholly. Because there are some things that he promised during campaign and he hasn’t fulfilled them to date. Of course some minor things he has done but the major ones he is yet to do anything substantial on them.\textsuperscript{62}

From the foregoing evidence, and given the fact that low and uncertain trust of parliament implies a serious strain on state legitimacy\textsuperscript{63}, we can conclude that people’s disapproval of the performance of MPs in addressing people’s needs and subsequent loss of trust, implies brewing legitimacy crisis of parliament as a state institution, and subsequently of the state itself. Evidence thus suggests that the relationship between the governors and governing institutions on the one hand, and the society members on the other, is largely defined by the society’s approval or disapproval of the governors’ performance, hence the need for considering the instrumental legitimacy dimension in political legitimacy analysis.

\textbf{The Juridical, Symbolic, and Instrumental Legitimacy Interface}

The analysis of the concept and application of legitimacy presented above shows that preoccupation with the lawfulness of governing institutions at the expense of their performance, at least from the perspective of the governed, limits the understanding of legitimacy, and may result in missing brewing legitimacy crisis emanating from people’s dissatisfaction with the performance of legally constituted institutions. At the same time, ignoring affective links between the governed and the governing institutions misses the (potential) spontaneous popular

\textsuperscript{61} FGD with mixed gender group, Rural Northern Region, Mzimba, 16 November 2011.
\textsuperscript{62} FGD with mixed gender group, Urban Southern Region, Blantyre, 6 June 2011
allegiance to governing institutions which is a significant aspect of political legitimacy. And again, in modern politics, power that is not legally constituted is anarchical, potentially arbitrary, and risks popular rejection. At this stage therefore, we begin to appreciate that contemporary political legitimacy, especially in emerging democracies, entails some interface between juridical, symbolic and instrumental legitimacy.

Going back to Lipset’s definition of political legitimacy to entail ‘the capacity of the system to engender and maintain the belief that the existing political institutions are the most appropriate ones for the society’\(^{64}\), we realize that most contemporary definitions of political legitimacy contain Lipset’s elements to different degrees\(^{65}\). A critical analysis of this definition shows that it treats as equivalents legitimacy and belief in the legitimacy of established institutions. John Schaar criticizes this conception by indicating that such definitions dissolve legitimacy into mere belief or opinion, overlooking the fact that these beliefs might be ungrounded, or might be sustained by institutional arrangements whose real principles of operation are misunderstood by participants, or whose real principles are bent to manipulate the participants into accepting such institutions\(^{66}\). This implies that, even in our multi-dimensional approach to understanding legitimacy, it is necessary to consider the substance and intensity of the popular belief and support because adherence to legitimacy definitions devoid of substance may cloud our understanding of the crisis of legitimacy that has been brewing for some time in modern societies.

Schaar further indicates that in the modern conception of legitimacy, there is little effort to repair the erosion of traditional authority\(^{67}\), a situation that may also prevent us from fully understanding brewing

\(^{64}\) Lipset, SM, (1960), Op. Cit., p. 77
\(^{67}\) Schaar, JH, (1984), Ibid.
legitimacy crisis. This position is consistent with such contemporary analysts as Pierre Englebert, who perceive the discarding of historically and culturally embedded authority as one factor that has contributed to legitimacy deficit in Africa\(^{68}\).

We can therefore deduce that, to understand legitimacy and potential legitimacy crisis in emerging democracies, we should look beyond whether people believe in existing arrangements as legitimate, and analyse whether their beliefs are well grounded (to some truth) or rest upon mystification, manipulation or ideology. This knowledge-based and substantive approach sets very high standards to understanding legitimacy and proposes the need to evaluate people’s perception in the context of some objective truth. To be relevant, it is also imperative to read legitimacy in a specific society using the lens of the society’s popular traditions and culture of recognizing authority. The juridical, symbolic, and instrumental multi-dimensional conception of legitimacy that this chapter proposes therefore has the potential to minimize cases of ungrounded and irrelevant perceived popular evaluation of authority.

This implies that legitimation of governing institutions entails a complex socialization of people in a system that results in people accepting the authority of the institutions as the rightful ones. It further implies that understanding legitimacy – the key aim of this chapter – demands a careful multi-dimensional approach given the different, overlapping, evolving, and context-specific meanings of the phenomenon. From this realization, figure 4 below graphically presents a conceptual understanding of substantive legitimacy that needs to be applied in modern emerging democracies.

In contemporary politics, especially emerging democratic regimes, juridical legitimacy forms the roots of legitimacy. Power without legal authority is questionable and can be challenged locally and internationally. Thus, power exercised in domains ‘e’, ‘b’, and ‘g’ in figure 4 above can be challenged as it lacks legal basis.

However, juridical legitimacy is hollow if the governed are not emotionally and culturally attached to the governing institutions. The whole discourse on patriotism and popular spontaneous allegiance to the state and its institutions is largely based on the need for symbolic legitimacy. Deficiency of symbolic legitimacy (domains ‘c’, ‘c’, and ‘f’ in figure 4 above) may lead to demands for reformation of the legal grounds of an institution.

However, when the governed disapprove of the governors’ performance, symbolic legitimacy fades away and this may lead to popular demands for the replacement of the governors or even review of the legal basis of the governors and their institutions. If governing institutions fail to perform to the satisfaction of the governed (domains ‘f’, ‘d’, and ‘g’ in figure 4 above), the sustainability of juridical and symbolic legitimacy is put under threat as people lose trust in the institutions and may demand legal reforms to alter the institutions. Instrumental legitimacy

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is therefore the anchor that ensures sustainability of authority over time. Substantive legitimacy therefore emerges at the intersection of an institution’s legal mandate, societal embeddedness, and perceived satisfactory performance of real and/or imagined mandate of the institution. In other words, contemporary substantive legitimacy emerges at the intersection of juridical, symbolic, and instrumental legitimacies (domain ‘a’ in figure 4 above). Juridical legitimacy forms the legal foundation upon which symbolic and instrumental legitimacies are built. Symbolic legitimacy breeds natural allegiance of the governed to the governors. Instrumental legitimacy carries more weight in sustaining the holistic legitimacy over time.

Conclusion

Most emerging democracies in Africa are in the process of consolidating their regimes to ensure that they are truly people-centred, developmental, and secure from conflict. Political legitimacy is one of the critical prerequisites to ensuring this democratic consolidation. However, to ensure legitimate democratic regimes, there is need for an in-depth understanding of what political legitimacy entails in African societies so that appropriate and relevant actions can be taken by those in power to turn their power into effective authority. This chapter, using literature and evidence from Malawi and selected African emerging democracies has shown that political legitimacy in Africa entails three minimum dimensions: the juridical, the symbolic, and the instrumental dimensions. The juridical legitimacy entails the public perception of the acceptability and fairness of formal procedures guiding state institutions; the symbolic legitimacy refers to the public emotional attachment to the institutions that is defined by cultural language and symbols of attachment; and the instrumental legitimacy entails the public perception of performance effectiveness of the institutions. The intersection of these three dimensions constitutes political legitimacy in African emerging democracies. However, the intersection has different layers, doses and contributions of the three legitimacy dimensions. While
the juridical legitimacy lays the foundation for political legitimacy in modern democracies, the symbolic legitimacy strengthens the affective affinity of the governed to the governors and their institutions, and the instrumental legitimacy sustains the holistic legitimacy over time. Understanding these legitimacy dynamics is therefore crucial for academics and policy makers who are keen on building sustainable democratic states in Africa.
Beyond State-Building
Politics of the (Sub) regional: ECOWAS and the AU in Cote d’Ivoire’s Electoral Crisis

Akin Iwilade

Introduction

This chapter examines the interaction between two levels of regionalism in Africa (the sub-regional and the regional) and how this is manifested within the security sector. It addresses, in particular, two issues regarding the nature and outcome of interventions in conflict situations in the continent. First, it takes a critical look at the implications of a complex mosaic of multiple regionalisms; with its inevitably diverse motivations, capacities, norms and challenges; interacting with and sometimes even challenging a continent wide organization (AU) that often seeks to set, not only the normative discourse, but also the programmatic direction for institutional responses to violent conflict. This problem is deepened by the collective weakness of these two levels to respond to, or resist where necessary, pressures from the global system itself. Second is the way the AU, as a regional actor, can respond to hegemons like Nigeria and South Africa whose interests are sometimes in conflict with that of other powerful players in their immediate environments. The model that our analysis maps is that of a multi-level regional system in conflict within itself on the one hand, and with strong national actors on the other. The chapter uses the institutional and national responses to the recent Cote d’Ivoire crisis to examine the extent to which congruencies and contradictions can be discerned in the way (sub)regional organizations exercise authority in the resolution of violent conflict and the way they interact with powerful actors and interests at the national level.

In order to make these arguments, this chapter is organized into seven interconnected sections, the first of which is this introduction. In the next section, I examine the conceptual and theoretical issues that surround the idea of subsidiarity and briefly discuss its articulation within the AU system in its interactions with sub-regional organisations like ECOWAS.
This section is meant to briefly indicate the framework within which the AU-ECOWAS interaction in Cote d’Ivoire is analyzed. The next section details the context of conflict in Cote d’Ivoire itself. This is important to show the entry points through which each organization engaged with the crisis and how it shaped their reactions. It draws attention to the issues of identity and citizenship that were obscured by the narrative over electoral misconduct in the wake of Laurent Gbagbo’s rejection of the 2010 election results. The next two sections that follow critically analyze the responses of the AU and ECOWAS respectively. It identifies the internal political dynamics within the organisations and within the key state actors like Nigeria, France and South Africa in order to show the logic underlining their sometimes conflicting positions. The sixth section looks in more detail at the congruencies and contradictions in the AU and ECOWAS responses, showing how they cooperated and conflicted over what the appropriate response should be as well as how some actions of the one may undermine the effectiveness of the other. This is also set within the broader context of global politics as well as the collective capacity challenges faced by all actors. The final section concludes by arguing that, in the case of the Cote d’Ivoire crisis, the politics of (sub)regionalism is driven not so much by the institutional or constitutional dynamics of the organizations in question but by the broader questions related to identity construction, and the interests of key national players. This raises important questions about the relevance of a (sub)regional approach that ignores the powerful, and often determinate roles of actors below the level of multilateral governance.

Multilevel Interactions on the Peacebuilding Stage in Africa

The transnational implications of modern armed conflicts guarantee that narratives around them will include the complex interactions between and among multiple spaces of authority, responsibility and interest. It has become increasingly difficult in the modern age to locate even the most seemingly localized conflict purely within the geographical space
in which violence is most intense. As a result of these intricate linkages, peacebuilding and intervention responses have also had to struggle to resolve the contradictions that emerge as a consequence of often grey and overlapping claims to authority, responsibility and capacities. One way this problem has been engaged with has been through principles like subsidiarity which ostensibly attempt to help regional and sub-regional organisations leverage on their various capacities in ways that most efficiently build or enforce the peaceful resolution of conflicts. This section aims to conceptually and theoretically map this complex and changing dialogue between the African Union and sub-regional organisations like ECOWAS in the context of broader global politics in order to show its complexities as well as the challenges that often undermine seemingly rational cooperation.

A useful way to start this is to point out that the idea of subsidiarity has a long history which is tied closely to the European experience of state formation\(^1\). As David O’Brien argues, ‘the first formal and consensual attempt to allocate political authority in a tiered regime comprising sovereign states and an intergovernmental body dates to the creation of the Central Commission for the Navigation of the Rhine in 1815’\(^2\). This body followed a principle of ‘local control’ that devolved authority for trade and transport to local states. This early example indicates the long history of shared responsibility within a tiered system of transnational governance and this has evolved significantly since then.

It is important to read the tensions that sometimes emerge between the AU and sub-regional bodies through the lens of broader global political currents, chief of which was the collapse of the cold war system and the consequent attempts by major powers, notably the west, to divest itself from conflicts around the African continent. The eruption of

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violence in states like Liberia and Sierra Leone in the 1990s was in part a consequence of this withdrawal which transferred the responsibility for intervention in widespread violence to regional bodies. In the case of the predecessor to the AU, the Organisation of African Unity (OAU) however, its capacity and will to decisively intervene in the brutal new wars that were erupting all over the continent was severely undermined both by the familiar challenge of institutional incapacity as well as a long held principle of non intervention in the ‘internal affairs’ of other states. This meant that the organisation, in spite of earlier experience with interventions in places like Chad in 1981, was ill equipped to deal with the violent civil wars of Liberia, Sierra Leone or Guinea Bissau. In fact, the experience of the OAU’s 1981 Inter-African Force intervention in Chad was such that it brought out in stark relief the limitations the continental body had with engaging in any meaningful conflict interventions within the ad hoc conflict response framework it had developed. May and Cleaver (1998) note that the limitations exposed by the OAU’s Chad mission cast doubt on its capacity to embark on such actions in the future. The limitations of the continental platform did not just cast doubt on the OAU as an effective player in conflict management and intervention operations on the continent, it also increased the feeling of responsibility and abandonment that was partly responsible for the creation of conflict intervention capacities in beleaguered sub-regional organisations like the ECOWAS and SADC. This is not to suggest that the OAU did not respond to this capacity deficit as it established in 1993, a Mechanism for Conflict Prevention Management and Resolution which focused on early warning systems that would ‘obviate the need to resort to complex and resource demanding peace-keeping operations’. 3 The creation of the African Union to succeed the OAU was itself in part a response to the limitations of the latter that had been exposed by the new global environment and the subsequent

3 Ibid, p. 65.
need to create efficient frameworks to engage with contemporary problems. Unlike the OAU which ruled out its involvement in peace-enforcement operations like the one embarked upon by ECOWAS in Liberia and Sierra Leone, the AU has been more bullish even though it too has had to work within very similar capacity limitations and to also manage complex relations with sub-regional organisations who are often more contextually embedded with the conflicts and thus with higher incentives to militarily intervene.

The tendency to promote a multi-level or multi-tiered approach to peacebuilding is sometimes tied to a broader normative agenda that seeks to build a sense of community by preserving the autonomy of local actors in what Amitav Acharya referred to as ‘norm subsidiarity’ or sometimes simply the delegating of power to a lower authority. This assumes that the goal of subsidiarity is essentially a democratic one which deepens the role of local actors as well as guarantees that outsider discourses do not drive peacekeeping agendas. Andy Knight however points out that subsidiarity is an elastic concept which can legitimize ‘both the expansion and restriction of authority by linking governance to the issue of competencies’. As O’Brien notes, there are two discernible ideas that compete in the search for subsidiarity. The first is based on burden-sharing which seeks to ‘build a new cooperative and complementary division of labour between the UN and regional organizations’. This is also applicable to the AU’s relationship with sub-regional bodies on the continent. The second idea is burden-shifting which indicates that subsidiarity is merely a pretext of transferring the burden of conflict interventions to sub-regional bodies irrespective of

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their capacity or will to respond to humanitarian emergencies or violent conflict.

The reality is however a bit more complex. It is hard to find a contemporary conflict that has been solely left to the AU or to the relevant sub-regional body to handle. Indeed, the case study of Cote d’Ivoire analyzed in this chapter indicates the development of a regional norm that privileges cooperation between both tiers of authority. Indeed, it appears that continental governance and management of violent conflict is hardly tiered as authority is often determined by factors including the capacity and willingness of a regional hegemon, the interest of extracontinental powers like France and the specific context of the conflict itself. At the very least, there is a vivid transfer and/or exchange of normative principles and ideational values that help to shape the nature of responses to violent conflict and the role that each international actor is allowed and able to play in it.  

Slaughter argues that subsidiarity is dictated by practicality rather than a ‘pre-ordained distribution of power’ thus challenging others like Sewell and Salter who see subsidiarity as essentially a normative obligation. To understand the tensions between these two views of subsidiarity in the African context, one may look to the AU’s very different articulations of subsidiarity depending on which space it is operating from. In its relations with the global community, the African Union often insists on a loosely defined principle of promoting ‘African solutions to African problems’. This principle argues for the right of African states to determine the nature of interventions or, indeed as in the case of Libya, whether intervention is even necessary at all. Unfortunately this does not take into account the very real capacity challenges that have made it near impossible for the AU to effectively mount peacekeeping operations without the support, logistical, military, economic and

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8 Acharya, ‘Norm Subsidiarity and Regional Orders’, (2011)
political, from the international community. This is obvious in recent conflicts like Mali, South Sudan and Central African Republic. It is based on the idea that subsidiarity is a normative obligation and that local communities (in this case the AU) have the right to shape the norms. In its relations with sub-regional bodies however, the AU seems to privilege a notion of subisidiarity that is closer aligned to Slaughter’s idea of it being driven by practicality. This is demonstrated in the Cote d’Ivoire case as will be shown later in the chapter. There is also a tendency to encouraging the building of what Boas and Franke have variously described as ‘security communities’ which promote a shared sense of identity and purpose that encourages complementarity rather than a hierarchy of authority. This is however sometimes problematic as a result of the conflicting interests and approaches of major power centers on the continent, particularly Nigeria and South Africa as well as how to balance these interests with that of extra-African players like France, the US, UK and China.

What this indicates is that the relationship between the African Union, as, ideally, the continent’s prime body for the construction of norms and practices in the realm of peacebuilding, and that of sub-regional bodies like ECOWAS who often have greater contextual grasp of the crisis as well a greater practical interest in engaging with it, has been largely formed within the crucible of a broader global norm setting movement that draws in key players like the UN. Nowhere is this interaction more starkly illustrated than in the decade long political crisis in Cote d’Ivoire.

11 Anne-Marie Slaughter, A New World Order, 2004
Cote d’Ivoire: The Collapse of Public Order and the Making of International Players

Waris Alli describes the Cote d’Ivoire crisis as being archetypal of African crises.13 This is because its roots, like that of most conflicts in Africa, can easily be traced to a failure of governance deriving from the complex interrelationships between its colonial history, problems of identity and citizenship, neo-colonial linkages and the pressures of a globalizing world. In the early independence period however, there was relatively little to suggest that Cote d’Ivoire was a typical African country. It was far more stable and prosperous than most. Buoyed by intricate Cooperation Agreements with France and the Yaounde and Lome Conventions in the economic sphere, and underwritten by a French security guarantee, Houphouet-Boigny was able to succeed in many of the areas where most independence leaders of Africa had failed.

To understand the early successes of Cote d’Ivoire and its consequent political and economic stability, three important factors must be taken to account. First was the crucial French connection, which provided, as mentioned earlier, a security guarantee and immense economic aid in the areas of bureaucratic efficiency, education, infrastructure development and fiscal planning. This aid included a guarantee of the fixed parity and convertibility of the CFA Franc which helped, in no small measure, to stabilize the economy and strengthen macroeconomic planning. French colonial policy also made Cote d’Ivoire a key regional economic hub within Francophone West Africa. Second was the relatively sound economic management of the Ivorian economy which placed emphasis on what Whiteman called ‘a balanced and diversified agriculture with sustainable agro-industries’.14 This made Cote d’Ivoire the world’s

largest cocoa exporter and earned it a twenty year average growth rate of about 7.5 percent. It also made it a top destination for immigrant workers from poorer countries in the region. This achievement was the more dramatic because it was recorded at a time when average growth rate in Sub Saharan Africa was a mere 1.29 percent per annum.\textsuperscript{15} Third was the role of Felix Houphouet-Boigny himself. \textit{Le vieux}, as he came to be called the longer he held on to power, was a key factor of stability in the country. The state he constructed was as authoritarian as it was conciliatory. It was a very personal system that revolved around Houphouet-Boigny and the authoritarian exercise of power by his Parti Democratque de la Cote d’Ivoire (PDCI). Houphouet-Boigny and the PDCI, according to Badmus, ‘instrumentalised authoritarianism’\textsuperscript{16} and based the exercise of power on the myth of the higher meaning of the state to the specific ethnic group to which he belonged.\textsuperscript{17} This myth, at the same time that it tended to express itself in concentration of power within a carefully cultivated elite group that invariably cut across the different ethnic groups in the country, also framed Houphouet-Boigny himself as the repository of political legitimacy. While making much of the conciliatory nature of his dictatorship, it must be noted that Houphouet-Boigny was also decisive and brutal in putting down dissension. A good example of such will be the way the Sanwi rebellion of 1959 was brutally suppressed. However, even though Houphouet-Boigny made little effort to disguise the centrality of his Baoule ethnic group to power in the country, he was quite successful in managing ethnic plurality throughout his long reign.

The seeds of collapse were however sown during these early decades of stability and economic growth. For one, the political economy of

\begin{itemize}
  \item Surijit Bhalla, \textit{Imagine there is no country: Poverty, Inequality and Growth in the age of globalization}, (New Delhi: Institute for International Economics, 2002), p. 16.
\end{itemize}
Cote d’Ivoire actively encouraged large population movements both within the country and from neighbouring countries (Chirot 2006). In particular, the Ivorian economy significantly depended on skilled and unskilled immigrant workers from neighbouring countries. In fact, these foreigners eventually came to number about a quarter of the entire population, changing the demographic structure so much so that Houphouet-Boigny attempted to provide a path to citizenship for this population group. This was however strongly rejected even by elements within his ruling PDCI. Also problematic was the increasing pressure surrounding the role of citizens with foreign, particularly Burkinabe, origins in the economy. Colonial policy had largely established, in the words of Ebrima Sall (2004: 600), ‘Burkina Faso as a labour reserve for Cote d’Ivoire, as the latter was developed as a regional growth pole with a flourishing plantation economy’.\(^\text{18}\) This colonial policy continued to be given expression by the PDCI government and it eventually created low intensity tensions between competing ethnic social formations that were later to be given life by the Ivoirite policy of Konan Bedie in the 1990s. The crisis generated by IMF/World Bank adjustment policies in the 1980s also deepened the competition for increasingly scarce arable land and capital and eventually encouraged a continuously shifting framing of the notions of identity and citizenship that was to lead the country down the path of violence.

In an insightful examination of the role of citizenship and identity questions in the collapse of public order and perhaps even the state in Cote d’Ivoire, Ebrima Sall notes that the coinage of a ‘thinly disguised xenophobic ideology called Ivoirite (Ivorianess or being Ivorian)’ by Houphouet-Boigny’s successor, Konan Bedie, which was initially a ploy to exclude Alassane Ouattara, a northern politician and former Prime Minister, from contesting the presidency, has galvanised social formations within the country and given life to historical

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ethnic grievances. The result is a division of the country around the contours of rapidly shifting notions of citizenship and of the rights and responsibilities that naturally flow from it. A historical reading of the outbreak of civil war in 2002 must therefore not only take into account the violent elite based power struggles that emerged after Houphouet-Boigny’s death in 1993, but also the complexities that surround violent social mobilization around questions of identity and citizenship. The tragic role of violent youth organisations like the Alliance of Young Patriots in Abidjan and the so called ‘Barricaders’ (les Barragistes) in the centre-west of the country must also be seen in this context of what Akindes referred to as the collapse of the ‘Houphouetist Compromise’ that was characterized by an openness to foreigners and foreign capital, but also an authoritarian neo-patrimonial mode of governance.20

While the identity and citizenship questions plaguing Cote d’Ivoire appear to have been central to patterns of social mobilization and ultimately conflict, they are by no means the only source of crisis. Even before Houphouet-Boigny’s death opened the ‘identity-citizenship’ Pandora’s Box, the national economy had begun to show signs of stress and regression so much so that maintaining the elaborate system of patronage and prebendalism was becoming unsustainable. Corrupt applications of state funds, especially from the Caisse Centrale which regulated coffee and cocoa prices had helped Houphouet-Boigny maintain his network of patronage that guaranteed some form of stability. By the time weaknesses in the Cote d’Ivoire economic model were exposed by falling international commodity prices for coffee and cocoa, the failures of the French monetary system in Africa and a global recession in the 1980s, it was clear that new ways of oiling patronage had to be devised because new forms of social and intra-group interactions had to be negotiated. Crucial too was the increasing

19 Ibid, p. 600
assertiveness of pro-democracy forces (ironically led then by Laurent Gbagbo) who had become emboldened by a global democratic moment that challenged the autocratic state model that Houphouet-Boigny appeared to have legitimized. The collapse of the Houphouetist system, was, it now appears with the benefit of hindsight, inevitable, given the highly personalized nature of Houphouet-Boigny’s rule. Konan Bedie, who inherited the presidency and the growing tensions in the system after a brief power struggle with Allasane Ouattara, had none of the flair, skill or charisma of Houphouet-Boigny and it was only a matter of time before the chickens came home to roost.

The stage of the crisis that is of the most concern to us in this paper thus did not emerge, as the analysis above makes clear, merely as a consequence of disputes over electoral results. It is intricately connected to the broader crisis of governance that Cote d’Ivoire had faced, to the democratic deficits entrenched by decades of personalized autocratic rule and to the nature of interactions between various identity systems in the country. The disputed election results were thus products of a long tortuous period (almost one decade) of conflict and mediation.

Civil war had broken out in September 2002 when about 700 soldiers of the Ivorian army mutinied over attempts by Laurent Gbagbo’s government to demobilize them. The situation degenerated so quickly into full scale civil war because it was framed around already festering identity and citizenship questions and inevitably galvanised popular imagination around it. Within a few weeks, the country was effectively divided into two with the Ivorian Patriotic Front (MPCI) controlling the northern half. Another group, the Mouvement Patritique Ivorien du Grand Ouest (MPIGO), was to later gain control of the western corner of the country, leaving only the south in government hands.

The international community’s involvement in attempts to resolve this crisis dates back to this period. After eventually negotiating a ceasefire and instituting a programme for democratisation which was to culminate in the presidential elections of November 28, 2010 (the first round was
inconclusive and a run-off election was held on this date), it appeared that nearly one decade of conflict was coming to a close. This was however not to be as then president, Laurent Gbagbo refused to accept the election results that declared Alassane Ouattara winner, even though they were certified largely free and fair by the international community and by the Ivorian electoral commission. To an international community, which in this case is not merely a euphemism for western powers but also included regional players like ECOWAS, that had invested so much resources, time and perhaps most importantly, hope, in the electoral process and its expected democratic gains for Cote d’Ivoire and the West African sub-region, Gbagbo’s stance was not only untenable but also a rude shock. One of ECOWAS’ earliest statements on the current crisis released on December 4th 2010 carries powerfully the message of its utter shock at the emergence of post electoral controversy. It stated its ‘deep disappointment and concern at the anomalies that have attended the leadership transition in that member state’ ‘following the unexpected turn of events in Cote d’Ivoire after the run-off of the presidential elections’. 21 While the African Union was less clear in expressing shock and disappointment, its first statement on the run-off election expressed optimism over what it referred to as its ‘overall smooth conduct’ 22 and suggests that it had fully expected an orderly transfer of power. By having invested so much hope in the democratisation process in Cote d’Ivoire since 2002, there was a real danger that the integrity of these organisations in Africa would have taken a serious hit had they allowed Gbagbo’s intransigence to pass without consequences. There was also a real danger that, in a year where an unprecedented 27 countries were due to hold elections, a message will be sent to incumbents that the reports of international observers were useless and could be disregarded at will. The consequences of allowing this for security and stability in Africa are as dire as are the democratic implications.

Beyond State-Building

African Solutions to African Problems? The AU and Crisis in Cote D’Ivoire

When civil war broke out in Cote d’Ivoire on the 19th September, 2002, the AU was one of the first international organisations to condemn the violence and appeal for calm. At the heart of the AU’s role in Cote d’Ivoire in the years following the outbreak of war was the support for the 2003 Linas-Marcoussis Agreement originally sponsored by France. That 2003 accord brought together the main political groups involved in the crisis and set out the parameters for a ceasefire. Unfortunately, the Linas-Marcoussis Accord was flawed because it did not adequately tackle the citizenship question that was at the heart of the conflict. Tucked away in an appendix to the main agreement, the accord had treated it like a legal issue and observed a ‘legal difficulty in applying Articles 6 and 7 of the Citizenship Code’. Abu Bakar Bah further notes for instance that the Linas-Marcoussis Agreement identified the issues in the conflict (including citizenship), but its formula for peace was flawed. Importantly, the main part of the agreement ‘focussed on the distribution of power instead of the citizenship issue’. Going even further, Bah argues that:

‘the citizenship issue was not only relegated to the annex of the agreement, but also treated in a simplistic and potentially dangerous manner. The Linas-Marcoussis Agreement recognized the 1961 and 1972 Ivorian citizenship laws as generous and well drafted, but pointed to problems in their application which led to wrongful denial of citizenship rights. The government was asked to simplify the application of the laws, suspend its identification programme, and establish a National Identification Commission to supervise a new identification system. To ease the identification problem, the agreement called for the elimination of the residency permit requirement for ECOWAS citizens. The agreement touched on citizenship but treated it as an administrative problem that could be rectified by proper application of extant laws. It
failed to address the social construction of citizenship and provide a political solution to the issue.\textsuperscript{23}

Abu Bakar Bah’s assessment of the Linas-Marcoussis Agreement with regard to the citizenship question was quoted liberally here to underscore the fundamental challenge faced by the AU’s mediation from the very start of the conflict. In the first place, the AU role was initially conceived as a mere supportive one to French mediation and thus helped in no small way to establishing France as a key interlocutor in the crisis. This role was, in fact, largely inconsistent with its commitment to seeking African solutions to African problems and deepened resentment of international mediation in the country.

Most of the other internationally mediated agreements in the build up to the 2010 elections and the subsequent post election crisis were designed to reinforce the Linas-Marcoussis Agreement and perhaps unwittingly established the primacy of outsider discourses in the crisis; a situation the AU is, ironically, the greatest critic of.

At its 250th meeting held at the level of Heads of State and Government in Tripoli on November 30, 2010, barely two days after the hotly disputed run-off presidential elections, the AU welcomed what it referred to as ‘the overall smooth conduct of the second round’ of the elections.\textsuperscript{24} A few days later however, after Gbagbo had rejected the election results as declared by the Independent Electoral Commission and certified by international observers, the AU had to hurriedly dispatch Thabo Mbeki in an emergency mission to defuse the crisis.\textsuperscript{25} The purpose was to ‘facilitate the rapid and peaceful conclusion of the electoral process and the efforts to find a way out of the crisis’. After violence broke out around the Golf Hotel and Ouattara called for popular protests to


\textsuperscript{24} African Union, Press Statement, PSC/PR/Comm.2 (CCL), (November 30, 2010).

take over the state television, the Chairperson of the AU commission, Dr. Jean Ping then led a delegation comprising the AU Commissioner for Peace and Security, Ambassador Ramtane Lamamra and Mr Victor Gbeho, President of ECOWAS on 16 December, 2010 to Abuja and then Abidjan in a bid to defuse the crisis. Of course this mission like many others after it utterly failed to persuade Gbagbo step down or accept the verdict of the electoral commission. By its 254th meeting on the 24th of December, 2010, the AU, through its Peace and Security Council began to condemn strongly the human rights abuses and atrocities being committed by both sides of the conflict. The AU then endorsed Ouattara as president and called for Gbagbo to stand down.

Even though, the AU continued to make statements, send emissaries and even, at a time, threaten to back the use of force to oust Gbagbo, the AU’s mediation efforts had little chance of success. This was for a number of reasons. First, the mediation efforts of the AU; from its choice of emissaries to its ability to coordinate with other relevant stakeholders, particularly ECOWAS; were backed by a fundamental logic that appeared to privilege notions of power sharing. This proposed solution to the Ivorian crisis was a throwback to similar political solutions of post election conflicts in Zimbabwe and Kenya. The problem however was that it completely ignored the peculiar context of Cote d’Ivoire. In the first place, unlike the Zimbabwe and Kenya elections, the Cote d’Ivoire elections were supposed to be a culmination of many years of patient peacemaking by the international community. They were planned, funded and fully monitored by the international community and the results could thus be unambiguously and legitimately verified and/or certified by it. Second, unlike the Zimbabwe and Kenya cases where the electoral commission declared the incumbents winners, the commission in Cote d’Ivoire actually declared the opposition candidate

winner and the crisis was precipitated by the refusal of the incumbent, rather than the opposition, to accept the results. Third, being an election organised as a culmination of efforts to end years of civil war, each side in the conflict was backed by thousands of armed fighters. The incumbent, Laurent Gbagbo was backed by the Ivorian army while the opposition candidate, Ouattarra had the support of thousands of rebel forces still entrenched in the northern parts of the country. Therefore, post election disputes could immediately and was likely to turn violent with the very slightest provocation.

With the benefit of hindsight, it is easy to see why the AU efforts were not resolutely driven towards defending democracy, as expressed by popular will, as would be expected, regardless of the risks. In an article published in the Foreign Policy magazine on April 29, 2011, Thabo Mbeki, the first AU emissary to Cote d’Ivoire argued that, *ab initio*, the elections should not have been held at the time they were. He argued that the conditions were not ripe for such an election and that it was ‘perfectly foreseeable that they would entrench the very conflict it was suggested they would end’. In that article, Mbeki revealed key parts of the AU thought process that contributed to its calls for power sharing. He argued that:

“the international community has assiduously suppressed proper appreciation of various explosive allegations which, rightly or wrongly, have informed and will continue to inform the views of the Gbagbo-supporting population in southern Côte d’Ivoire -- and much of Francophone Africa! These are that Ouattara is a foreigner born in Burkina Faso, that together with Burkinabé President Blaise Compaoré he was responsible for the 2002 rebellion, that his accession to power would result in the takeover of the country especially by Burkinabé foreigners, and that historically, to date, he has been ready to advance

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French interests in Côte d’Ivoire. Taking all this into account, the African Union understood that a lasting solution of the Ivorian crisis necessitated a negotiated agreement between the two belligerent Ivorian factions, focused on the interdependent issues of democracy, peace, national reconciliation and unity.29

The implications of the above are important to understanding the AU proposals for some form of power sharing arrangement. In the first place, it suggests that the AU did not accept at face value, the citizenship of Ouatarra and thus his right to contest the presidential elections. While this may be considered a tacit endorsement of the Gbagbo position, its more dangerous dimension is its implications for millions of other Ivorians and thus for the enduring questions of identity and citizenship in that country. It should be noted that the notion of Ivoirite, even though it originally targeted Ouatarra, was the more dangerous and explosive because it also effectively demeaned the citizenship of millions of Ivorians and deepened their exclusion from access to the state and from full participation in the political process. Second, implied questions surrounding Ouatarra’s citizenship suggests that the electoral contest, which even AU monitors certified that Ouatarra won, was merely enough to qualify Ouatarra to share power and not to assume control. Other AU leaders like Uganda’s Museveni also questioned the election results. His spokesman, Tamale Murundi, quoting Museveni declared that “there is need for a serious approach that involves investigating the (electoral) process, including registration of voters and who voted,”. He also said that “there should be investigations, not just declaring who has won.”30 Similar sentiments were expressed by Jacob Zuma, South Africa’s President who declared that ‘there were some discrepancies in the manner in which the Ivorian election had come to the final

29 Ibid, p.46
pronouncement of the vote’. Of course the AU made public statements to the effect that Ouatara should assume office, but in its mediation proposals, it appeared to contradict this position when it proposed a power sharing arrangement.

Another problem of the AU effort is in its choice of envoys. Its choices were quite logical in light of its underlying power sharing position on the crisis. In the light of the broader realities of the Cote d’Ivoire crisis however, they are curious. For instance, the choice of Raila Odinga, Kenya’s prime minister and himself a product of an AU brokered power sharing arrangement, sends a powerful signal that the AU had learnt little from the instability of such forced ‘marriages’ of political rivals under the guise of national unity or power sharing. The obsession with national unity, at the expense of social justice, has been a hallmark of the AU and its predecessor organisation the OAU and has, as Ebrima Sall notes, ‘in the face of horizontal (mainly ethnolinguisitc) differences, led to the near total negligence of vertical differences of class, gender, caste and age in both official and popular discourses.’ Another curious choice that underscores the AU’s denial of history is that of Mauritania’s former coupist and now ‘democratically elected’ president, Ould Abdel Azizi who, just in 2008, toppled a democratically elected government. The symbolic value of the AU’s Peace and Security Committee sending in someone with dubious democratic credentials was hardly lost on Laurent Gbagbo and his advisers. The choice of Jacob Zuma and South Africa as a part of the High Level Panel was also fraught with its own problems. Since Zuma had raised questions about the integrity of the results, in spite of the fact that it had been certified as valid by all observers and organisers except the Ivorian Constitutional Council, led by a known Gbagbo loyalist, it is difficult to expect that he, or the

31 Zuma 2011
32 See AU press statements cited above
High Level Panel, would pursue the publicly declared AU position with much commitment. Gbagbo also rejected Raila Odinga as mediator on January 20 after the latter accused him of stalling peace talks, further complicating the AU’s problem with its envoys. Gbagbo’s refusal to take subsequent AU admonishments or even the threats of military action by ECOWAS seriously can be partly situated within this context. Alassane Ouatarra also outrightly rejected AU envoy Jose Brito, former foreign minister of Cape Verde on March 28, 2011, to further underscore the lack of depth in the choice of mediators that will be acceptable to both sides.

The African Union was also deeply divided in its conception of how best to approach the crisis.\textsuperscript{34} States like South Africa, Angola, Uganda and Ghana appeared to prefer a gradual approach to mediation that de-emphasised the fact that the elections had produced a clear winner and that democratic integrity rested on the insistence that the declared popular will be respected, at all times, without exception. This group preferred to emphasise the political questions underlying the crisis, and thus appeared to deny the very clear verdict of the people of Cote d’Ivoire. The second group, led by Nigeria and many other states in West Africa were quite insistent that the electoral verdict be respected. To this group there was little room for compromise except that Gbagbo should be offered an honourable exit. This division resulted in some inconsistency in the AU position so much so that while its envoys openly called on Gbagbo to hand over, they privately advocated a power sharing arrangement. The uprisings in North Africa also alarmed some leaders so much so that they were not prepared to actively support the removal of Gbagbo because of the precedent it would set for other sit tight rulers, many of whom were to face elections in the coming months. Overall, the AU role was, in spite of high visibility, in reality, on the fringes of the mediation and conflict resolution efforts. Other

international stakeholders like ECOWAS, the UN and France played far more effective roles. It is to these that we now turn.

**ECOWAS in Cote d’Ivoire**

It must be noted that ECOWAS’ intervention in Cote d’Ivoire was guided by two important and fundamental assumptions. First, ECOWAS viewed the crisis in the context of its implications for regional security and stability. This was crucial to the way the organisation responded to the crisis and to the urgency with which it viewed it. Second, ECOWAS gave due regard to what Funmi Olonisakin 35 rightly described as an emerging ‘normative framework for the management and prevention of conflict’ which tended to expand notions of security to include democratization. 36 We will address each of these assumptions in order to understand the foundations of ECOWAS’s institutional response to the crisis.

As noted, the Cote d’Ivoire crisis was considered a risk to regional stability. In the first place, many of its member states had legitimacy concerns of their own and they feared that allowing the crisis to drag on for too long would create a contagion effect that could precipitate the collapse of regimes around the sub-region. This problem is the more intense and urgent given the scare that the ‘Arab Spring’ had given to many fragile regimes all over the world. Secondly, at least 10 West African states faced crucial elections of their own in 2011 and 2012, and were eager to demonstrate to the world that democratic values

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were being consolidated in the region. Third, within a few days of the electoral stand-off, a major refugee crisis had started emerging. This had dire implications not only for the humanitarian conditions within Cote d’Ivoire, but also for neighbours like Liberia (by December 20, barely three weeks after the run-off election, the country already hosted over 10000 refugees) who were likely to bear the most responsibility for absorbing displaced people. In the context of a region just recovering from a global economic crisis, the economic and social pressures of a large refugee crisis was better imagined. Besides, any further destabilisation of Cote d’Ivoire would send far reaching shock waves into the economies of land locked states like Burkina Faso, Mali and Niger who depend on the Abidjan port for foreign trade. Finally, the cosmopolitan nature of Cote d’Ivoire, in spite of almost a decade of violent conflict and tensions, guaranteed the presence of millions of foreigners, mainly from West African states, in the country. Many ECOWAS member states therefore justifiably feared the implications for the security of lives and property of their nationals. This is more so because much of the popular discourses surrounding the crisis were being framed around ‘citizen-settler’, ‘citizen-foreigner’ identities and therefore guaranteed that they would be targeted in the event of the outbreak of civil war. An ECOWAS press release on the 25th of March 2011 actually directly addressed this issue when the commission condemned what it called ‘rhetoric against West African citizens’.

In addressing the growing regional normative consensus on democratisation, ECOWAS also viewed the post election crisis in Cote d’Ivoire through the lens of its 2001 Protocol on Democracy and Good Governance. After what Ahmadu Sesay called the badly battered image of the region as a result of the civil wars in Liberia and Sierra Leone,37 it was crucial for the region to establish itself as capable of

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managing the democratic aspirations of its populations. This desire to defend its emerging normative consensus on democratisation informed its firm engagement with anti-democratic currents in Sao Tome and Principe (2004), Guinea-Bissau (2004) and Togo (2005).\textsuperscript{38} There is also a lot to suggest that the growing involvement of civil society in the security architecture and governance issues in the region has deepened ECOWAS’ institutional commitment to defending democratic gains in the region and smoothened the way for it to adopt the kind of position it did in the Ivorian crisis.\textsuperscript{39}

ECOWAS has, largely as a consequence of the above, been deeply involved in international efforts at resolving the Cote d’Ivoire crisis since it first blew into global consciousness in 2002. Immediately civil war broke out on the 19th of September, 2002, ECOWAS swung into action, inviting the warring parties to a peace meeting in Accra. Ten days later, it had secured a ceasefire agreement and also set up a contact group made up of Ghana, Guinea-Bissau, Mali, Niger, Nigeria, Togo and AU representatives.\textsuperscript{40} Another ceasefire agreement was brokered by ECOWAS on July 13, 2003, after the first one broke down barely a month after it was signed. This was signed by the MJP and MPIGO with the Ivoirian government. Before then, ECOWAS peacekeepers had been deployed and the contingent was later reinforced to 1500 men by January 2003. This ECOWAS initiative was provided additional support by 4000 French troops who were already in the country to protect French interests and foreigners. After pro Front Populaire Ivoirien (FPI) youths led violent protests against France, forcing a massive exodus of French citizens, ECOWAS again organised a summit in Accra between March 7 and 8, 2003 and reached the Accra II agreement which endorsed the

\textsuperscript{38} Osita Agbu, ‘West Africa’s Trouble Spots and the Imperative for Peace-building’, \textit{(CODESRIA Monograph Series, CODESRIA: Dakar, 2006)}, p. 76.


\textsuperscript{40} Warris Alli, ‘The New ECOWAS Strategy for Conflict Resolution’, p.93.
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French sponsored Linas-Marcoussis Agreement and paved way for the appointment of Seydou Diarra as a consensus candidate. An end to the fighting was eventually secured in July 2003 and an inclusive government involving all the major stakeholders to the conflict was formed.

It is important to note that ECOWAS’ efforts throughout this period were geared largely towards the cessation of armed hostilities and the localisation of the conflict. This was consistent with the goal of preventing the destabilisation of the region by the Cote d’Ivoire crisis. This focus on the military dimensions of the conflict however left many of the political questions surrounding citizenship, identity and access to the state unanswered. These unanswered questions were later to resurface, first in the breakdown of the unity government and of course in the 2010-11 post election conflict.

It is worth mentioning once more, that the latest phase of the Cote d’Ivoire crisis emerged as a consequence of Laurent Gbagbo’s refusal to accept defeat in an election whose results, despite holding in very difficult circumstances, were adjudged as reflecting what ECOWAS referred to as the ‘popular will of the people’ as freely expressed on 28 November 2010’. One of the first responses of ECOWAS to this was to suspend Cote d’Ivoire from its activities and to insist that Gbagbo hand over power. Very early in the crisis, ECOWAS underlined its position and effectively set it in stone. The firmness of the initial ECOWAS response left no one in doubt that it was prepared to defend, even possibly with the use of force, its commitment to an acceptable conclusion of the electoral process in that country. This was significant because it allowed ECOWAS to claim some form of ownership of the normative space that emerged during the discourses around how to resolve the crisis.

ECOWAS also very early on indicated its willingness to coordinate

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41 ECOWAS, ECOWAS Commission’s Statement on the Political Situation in Cote d’Ivoire, (Press Release, No./2010) December 4, 2010, p.3
extensively with other international organisations, particularly the UN and the AU. For instance, at the extraordinary session of the Authority of Heads of State and Government called to discuss the Cote d’Ivoire crisis, ECOWAS not only endorsed the election results ‘as certified by UNOCI’ but also had representatives of the UN and AU in attendance.\footnote{Ibid} This multilateral approach was necessary, in part because other stakeholders, the UN in particular, had played crucial roles in guiding Cote d’Ivoire towards this election. It was also crucial for ECOWAS to ensure that its normative perspective of the election met the approval of the rest of the world, particularly because of what was considered the necessity of a UN Security Council authorization for any possible military intervention. Besides, the logistic capabilities of the UNOCI were also considered indispensable were ECOWAS forced to take military action to force Gbagbo out of office.

One particularly significant aspect of the ECOWAS response to the crisis was its declaration that it was prepared to use force, if that was necessary to force Gbagbo out of office. This is significant first because it underscored the seriousness with which the organisation viewed the situation and second because ECOWAS was the only organisation that muted the option of using force to remove Gbagbo. Unlike the UN which talked about force only in the context of protecting civilians, ECOWAS talked about the option of armed force as a tool to both protect and promote the democratic ideal\footnote{Akin Iwilade and Charles Ukeje, ‘The Crisis of Governance and the Governance of Crisis’} (Iwilade and Ukeje 2011). Of course this option was fraught with a lot of problems that diminished its efficacy as a bargaining tool with Laurent Gbagbo, but it had powerful symbolic value which we believe was its real purpose. According to Nigeria, the option of legitimate force is ‘to give teeth to sanctions already approved, nurture democracy, prevent regional spillovers of the conflict and rescue the credibility of the UN, AU and ECOWAS.’\footnote{Dimpho Motsamai, ‘Cote d’Ivoire policy angers ECOWAS’, \textit{the African.org}, Issue 12, April/May (2011), p.31} Some of the
problems associated with the option of force as advocated by ECOWAS however was that it lacked the logistical capacity that will guarantee that this would not have been a long drawn out battle which would eventually create more problems than it would solve. Another problem was that the regional power, Nigeria, whose participation would be critical to any such mission faced internal security challenges of its own which demanded full attention and so could ill afford a major military intervention in Cote d’Ivoire.

The ECOWAS response to Cote d’Ivoire’s post election crisis however generally reflected a well rounded and holistic perspective to the problem. It tended to strike a balance between the need to guarantee stability by promoting a peaceful resolution and the imperative of defending its commitment to democratisation. It was also holistic in its approach in that it considered a wide range of issues that emerged or were deepened by the crisis. For instance, in its various releases during the crisis, it raised issues of civilian shields, human rights abuses, deliberate targeting of civilians, and even the dignified treatment of Laurent Gbagbo after his arrest. All these indicate an organisation that had a clear grasp of the context within which it was operating and whose institutional structure had developed the requisite expertise to handle such complexity.

ECOWAS was clearly pivotal to the international negotiations that greeted the electoral standoff in Cote d’Ivoire. Having been involved with the process that led to the elections in the first place, the organisation did not find it difficult to transit into the new role imposed by changing circumstances. In spite of this robust engagement with the crisis, ECOWAS also faced challenges somewhat similar to that of the AU, one of which was the problem of mediators. Yayi Boni of Benin, Pedro Pires of Cape Verde and Ernest Koroma of Sierra Leone were selected by ECOWAS to present its position to Gbagbo and mediate between him and Alassane Ouatarra. These men seemed appropriate.

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45 See ECOWAS press statements cited above.
since they had all won democratic mandates in their countries and were not leaders of any of the immediate neighbours suspected of meddling in the internal affairs of the country. However, there were concerns about the relationship between Yayi Boni and Gbagbo, because the latter, like many other African leaders, held the *Croix de l’Ordre national du Bénin* a major national honour of the Republic of Benin. Of particular concern to the Ouatarra camp however, was the presence of Cape Verde’s Pedro Pires, a close ally of Angola. It should be noted that Angola was a major ally of Gbagbo, perhaps his most important in Africa, and the Ouatarra camp expressed concern that the presence of Pedro Pires was capable of diluting the rather strong message being sent out by ECOWAS.

As earlier noted, ECOWAS placed a good deal of emphasis on inter-organisational coordination with the AU. This coordination greatly enhanced its ability to shape the international responses to the crisis. It however depended immensely on the involvement of the UN. This is so because the UN had been intricately involved in the run up to the disputed election and also because it was the organisation, alongside France, which actually had an armed force on the ground as at the time the conflict erupted. This gave teeth to its position on the election and helped put immense pressure on Laurent Gbagbo.

**Learning from the Cote d’Ivoire Intervention: Contradictions and Congruencies in Crisis responses**

This section addresses the congruencies and contradictions in the responses of the AU and ECOWAS to the post election crisis in Cote d’Ivoire and seeks to demonstrate how these have contributed to the eventual outcome. It also looks at the implications for the continued engagement of the international community with the democratic consolidation and peace building phase of the Cote d’Ivoire crisis. The response of the international community to Cote d’Ivoire’s crisis covered a wide variety of the dimensions of the crisis. There was consensus on a good deal of the most contentious issues of the conflict among both
organisations under study here. There were also areas of divergence that sometimes threatened the effectiveness of the international efforts to engage with the conflict and showed the tensions associated with interacting across multiple tiers of authority and responsibility.

We will start first with the congruencies that are discernible in the response of these organisations to Laurent Gbagbo’s intransigence. The first and perhaps most significant is that both organisations accepted, in principle, the results of the elections as declared by the electoral commission and certified by international observers. This is particularly important because it underlined the collective delegitimization of the Gbagbo regime and signaled a consensus built on the imperative of defending the democratic choice of the Ivorian people. It should be noted here however that the AU was less emphatic about this than ECOWAS. This, we believe, is largely due to the influence of countries like South Africa, Uganda and Angola who tended to hold sympathetic views of the embattled Gbagbo regime. Another area of consensus was in firmly condemning the violence in the country and calling for its immediate end. Both ECOWAS and the AU were highly critical of the violence and joined other organisations like the UN to call for a peaceful solution to the crisis. There was also general consensus on the need for coordination between and among the organisations. In their individual statements, both organisations made it clear that the coordination of international efforts was critical to resolving the complex crisis Cote d’Ivoire faced. They generally tended to underline each other’s positions and act in ways that often complimented them.

There were however actions and/or positions of one of the organisations that did not necessarily get the active support of the other. For instance while ECOWAS was well disposed to the employment of force, the AU was totally against the use of force under whatever circumstance. While the ECOWAS framed its use of force around the discourse about guaranteeing the democratic process and the choice already made by the Ivorian people, the AU continued to be opposed to any deployment
of force even to protect civilians. This was primarily because its views were fixated on the post colonial discourse of ‘African solutions to African problems’. For the AU, the presence of French forces of the Operation Licorne and UNOCI, appeared to deepen post colonial hegemonic discourses and it was eager to remain consistent with its rejection of foreign interventions in Africa. This position was however hardly a productive one. For one, the humanitarian conditions in Cote d’Ivoire were degenerating rapidly and the Gbagbo regime had shown itself as incapable of showing restraint with its engagement with dissent. In fact, by early January 2011, it was becoming difficult to ascertain the overall ability of Laurent Gbagbo to control militias like the FPI who were committing atrocities in parts of Abidjan. By rejecting the use of force, the AU unwittingly provided added impetus to the post colonial hegemonic discourse favoured by the Gbagbo regime, which, in this case, was merely a convenient rhetoric to rationalize its anti-democratic posture.

The UN and ECOWAS were also agreed about the importance of insisting on no other outcome but the ascension of Ouatarra. The AU on the other hand seemed to be open to the idea of a power sharing arrangement. It is unclear to what extent this position encouraged Gbagbo’s intransigence, but it is likely that the possibility of such an arrangement, which would have preserved a role for Gbagbo in the government must have appealed to him. While the UN and ECOWAS roundly rejected Gbagbo’s offer for a vote recount, citing operational difficulties, integrity of such process and of course, the definitive verdict of election monitors who had certified the electoral commission’s version of results, the AU was again open to the idea. This, once again strengthened Laurent Gbagbo and encouraged his outright rejection of Ouatarra’s victory. It is important to note that the AU position contradicted its calls for Gbagbo to stand down and raised questions about the coherence of its decision making structures as well as its ability to coordinate within a multilayered system of regional governance.
For ECOWAS, its calls for a military solution were diplomacy to fail, was backed with little or no realistic operational capability. The French forces and UNOCI were clearly careful about getting directly involved in such venture because it may encourage the deepening of anti ‘imperialist’ sentiments around which Gbagbo continued to maintain his support and legitimacy among a significant, even if not majority, portion of the population. It was thus contradictory that the organisation the most disposed to the use of force to oust Gbagbo had no armed force on the ground and would have difficulties in mustering such a force. Rather than force to remove Gbagbo however, the UN ratified the use of force to ‘protect civilians’. Eventually however, it appears that UNOCI and the French forces were deployed and used in such a manner that made the removal of Gbagbo by the FN rebels a fait accompli. Despite this limited capability for ECOWAS however, the fact that it supported a measure as comprehensive as armed intervention in spite of the AU’s objections shows that the organisation operates within a multilevel governance framework that does not see itself as subordinate to the AU but rather as an autonomous power capable of shaping politics to suit its own specific interests. This is in line with Acharya who contends that political powers at ‘lower’ tiers in multilevel governance structures do have a right to and in fact often challenge the claims being made on them by those occupying the higher tiers.

**Conclusion**

As the above shows, it is difficult to imagine a modern conflict of the proportion of the Cote D’Ivoire problem that does not require some sort of concerted multilevel peacebuilding strategy. Indeed, the ability of organisations to coordinate efforts is perhaps more important than their individual roles in so far as it helps them to leverage on their various capacities. Where the stated goal of peacebuilding efforts are undisputed, as was the case in Cote d’Ivoire, there is still a lot of space

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46 Armitav Acharya, “Norm Subsidiarity and Regional Orders’
for missteps that can undermine even the best intentioned international effort. The challenge of balancing the competing interests of actors on the sub-national, national, sub-regional, regional and global spaces are immense indeed. This is made even more complex by the overlapping claims to authority and responsibility that may often make organisations pursue mutually incompatible goals, in spite of stated intentions to pursuing the same sets of goals.

The Cote d’Ivoire example underlines both the profound challenges as well as advances that have occurred on the African stage with regard to capacity, coordination and political will to engage with armed conflict. On the one hand, it indicates that logistical capability remains severely weak thus guaranteeing that outsider discourses and interests will continue to play crucial roles in shaping responses to violent disorder on the continent. More recent conflicts in Mali, Central African Republic demonstrate this continued weakness. On the other hand, this case shows a growing sense of responsibility by African multinational institutions about taking control of the management of conflict, and the variations in the AU-ECOWAS approaches to the Cote d’Ivoire conflict indicate two distinct (and not incompatible) paradigms that are key to the future sustainability of African peacebuilding efforts. The AU focuses on the normative questions that have emerged around the narrative of subsidiarity on a global scale. By insisting on African solutions to African problems, the AU signals an ideational and paradigmatic shift that challenges the often times destabilizing role of foreign powers on the continent. Given the implicit foreign element of many violent conflicts on the continent, this is an important conversation from which African organisations cannot afford to be missing. ECOWAS on the other hand focuses on a different but equally important priority which is the programmatic fine prints of such ownership of conflict management strategies. By deftly utilizing the resources made available by the UN and France and yet seizing the moral high ground by proclaiming support for the democratic aspirations of the Ivorian people, ECOWAS shows both an understanding of the implications of living on the
margins of global society as well as an agency that turns marginality into a resource. These two positions are mutually reinforcing and reflect the two agendas of the subsidiarity debate earlier pointed out. The first is that subsidiarity is dictated by practicality rather than a ‘pre-ordained distribution of power’ as demonstrated by ECOWAS’ role in Cote d’Ivoire and the second is that subsidiarity is essentially a normative obligation and reflects the AU position.

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47 See Anne-Marie Slaughter, *A New World Order*
48 Sewell and Salter, ‘*Panarchy and other norms for Global Governance,*’ (1995)
The European Union’s Role in African Security Governance

Benjamin Zyla and Arnold Kammel

Introduction

Relations between the EU and sub-Saharan Africa have long been limited to the sole issues of trade and development cooperation through the Yaoundé and subsequent Lomé partnership agreements between the EU and the Africa-Caribbean-Pacific (ACP) group of states. Meanwhile, EU-Africa relations are being increasingly politicised and securitised as was apparent in the two last Lomé agreements and their successor, the Cotonou Agreement, signed in 2000. In fact, the field of conflict prevention and management in Africa constitutes an ideal field of experimentation and validation\(^1\), especially for the Petersberg tasks, which comprise humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking. The launching of a dynamic European/Common Security and Defence Policy in Africa is also the symptom of the Europeanisation strategies of the former colonial powers’ African policies (especially France) and their interest for a national presence on the continent.\(^2\)

While much has been written about the nature, composition, and organizational structure of those operations\(^3\), the literature on European security governance in Africa shows a gap in terms of (1) the EU’s cultural dispositions (defined here as elite political culture) towards security issues in Africa in the changing situational contexts inducted by 9/11 and the political aftermath resulting therefrom; and (2) an

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assessment of the effectiveness of those operations in terms of the changes that they induced on the ground after deployment and their durability.

Against this backdrop and being informed by latest research on the cultural importance in peace operations, this paper starts with gaining access to the cultural dispositions of EU towards security issues in Africa. These cultural predispositions are then used as a starting point to assess the effectiveness of the EU’s military and civilian missions in Africa.

The paper proceeds as follows: The first part succinctly introduces the concept of security governance as the theoretical framework for this study, as well as its sister concept European security governance. Part two introduces the idea of different European perceptions on an uneven EU-Africa relationship. What follows in part three is a discussion of the EU’s engagement in Africa under the framework of CSDP.

**The Security Governance Concept**

The end of the cold war and the bi-polar conflict between the Soviet Union and the United States heralded a new series of challenges and change regarding the emerging structures of international politics. Security governance is conceived as a response to those new complexities. It is an alternative and yet complementary theoretical construct that seeks to capture and explain the contemporary changes, emerging dynamics and fluidity amongst the wider range of public and private actors and agents operating within the context of the new global security environment. Conventional theoretical approaches to security in the field of international relations (e.g. realism and liberalism and its branched theories) have become too parsimonious due to their inability to adequately address and encapsulate the growing diffusion of centralized state-centric political authority towards a diverse number of private and public non-state actors as well as the emergence of new governing arrangements in international politics. Against this backdrop,
some scholars have gone so far to argue that conventional IR theories tend to neglect the “concepts of change, complexity, and dialectics”\(^4\).

In a sense, the security governance approach is an attempt to provide an alternative theoretical framework that allows to observe and identify the changing features and players in international politics beyond traditional conceptions of sovereignty. It conceives states as heterogeneous rather than homogenous actors that possess a unique set of characteristics and identities that facilitate (or impede) transnational cooperation.\(^5\) Moreover, conceptually speaking, conventional approaches to security are increasingly unable to account for the diminishing nature of inter-state conflicts and the rise of non-traditional and non-state based security threats (e.g. terrorism, civil wars, cyber wars, transnational crime) operating beyond the state.\(^6\) Put simple, in light of the changing and growing nature of the security threats states are no longer seen as the sole and dominant player(s) in the provision of national and international security. New non-governmental actors have entered the marketplace of security governance and actively influence the foreign policies of states. This is echoed by Emil Kirchner who reminds us that “agency is now attributed overwhelming to non-state actors that are beyond the reach of states or the traditional instruments of states in which threats posed against states are now indirect rather than direct”\(^7\).

James Rosenau’s observation of the world as a ‘globalizing space’ holds merit in this regard as the national and international level of analysis can no longer be treated as separate units of analysis. Specified geographic territories are less important as state boundaries have evaporated, resulting in a non- hierarchical and “multi-centric world” that “competes, cooperates or otherwise interacts with the state-centric

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\(^4\) James Rosenau, “Change, complexity, and governance in globalizing space,” op. cit., p.162

\(^5\) James A. Sperling, “security governance in a Westphalian world, op. cit., p.2


world” and, as such, constitutes a new decentralized world. As a result, security communities (e.g. the EU), defined as “regions of states whose people maintain dependable expectations of peaceful change” emerged as theoretical alternatives to traditional understandings of the international order.

Conceptually speaking, security governance has been conceived as a general social theory, “as a theory of networks, as a system of international and transnational regimes and as a heuristic device for recasting the problem of security management in order to accommodate the different patterns of interstate interaction, the rising number of non-state actors, the expansion of the security agenda, and conflict regulation or resolution.” As is evident, security governance situates itself firmly within the wider security and governance discourses while amplifying, extending and at times marrying the epistemological and ontological parameters of each theoretical construct. It borrows from the discourse on security by recognizing the ascendency of other threats beyond those associated with military defence of the state. Security governance thus accepts and acknowledges the utility of a broadened non-military oriented security agenda. By the same token, it acknowledges the loss of primacy of the state, and recognizes the diffusion of authority, and the process of coordination and management by a diverse set of actors into the sphere of security.

Specifically, as James Sperling notes, the concept of security governance is characterized by five elements: a sovereign prerogative, a security referent, a regulator, function of norms, and the interaction

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8 James Rosneau, “Change, complexity and governance,” op cit., 163
9 Three factors are attributed to security communities and are seen as mutually reinforcing including: 1/precipitating conditions, such as changes in technology, demography, economics, the new interpretation of social relations and external threats, 2/factors conducive to mutual trust and the development of a collective identity, 3/necessary conditions, such as mutual trust and a collective identity. Elke Krahmann, “Conceptualizing Security Governance,” p.8
10 Ibid., p.5
11 Elke Krahmann, “Conceptualizing security governance,” op.cit. p.10
context. Above all, the conceptual appeal of security governance is its applicability and ability to cast a wider net in framing and capturing the interests, actions, and players involved in the attainment of group security (e.g. the EU towards Africa) and the containment of threats and new found risk. Moreover, as Mark Webber et. al. note, it is characterized by heterarchy, the interplay of a number of private and public actors, formal and informal institutionalization, and collective purpose. Simply put, security governance wants to pool the strengths and expertise of states, international organizations, and private actors, and to “provide more effective and efficient means to cope with today’s security risks.” It supports the idea that “hegemons and major powers will progressively share the security burden with other state and non–state actors and that changing and flexible coalitions of the willing will replace alliances because of the diverse nature of contemporary security threats, different interests and capabilities.” Moreover, security governance acknowledges the role of identities and ideas in the formulation and relations amongst the actors.

**European Security Governance**

European security governance is often cast as a natural application and extension of the security governance concept. As a framework is seen as useful both in terms of theory and in practice, because it is a “[...]

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12 To quickly paraphrase Sperling, the ‘sovereign prerogative’ element denotes the nature of authority in the international system (hierarchical, heterarchical, or both); the security referent identifies the target of the security concern; the regulator identifies conflict dispute settlement mechanisms; the function of norms highlights the role of norms in regulating (or prescribing) state or group behaviours; the interaction context determines the level of amity or enmity. For more details and elaborations see James Sperling, “Security governance in a Westphalian world,” op. cit., p.8-9

13 Mark Webber et al, op. cit., p.8

14 Christopher Daase; Cornelius Friesendorf, “Security governance and the problem of unintended consequences,” op. cit., p.1


elucidates some of the core features of the actuality of Europe’s security relations.”\textsuperscript{17} Indeed, EU security governance consists of two competing forms of security governance: the collective defence agreement in which NATO is seen as provider and protector of European security, and the EU as an integrative and unified international security actor. The latter should be our concern here. Above all, the end of the Cold War built the foundation for the emergence of the EU as an international security actor. Member states, especially France and Britain recognized that the time had come to transform the EU into a capable international actor “that could supplement or replace NATO when European interest were threatened by the outbreak of interstate or civil war.”\textsuperscript{18} Moreover, the proliferation of non-traditional security threats, which increasingly demanded transnational and regional cooperation among different EU member states and actors, meant that conventional concepts and theories of security were no longer viable. At the same time, the EU has acquired more agency and thus autonomy through its Common Foreign and Security Policy. Today, a multiplicity of security actors are involved in the management of European security affairs, and international crisis management is no longer seen as the sole purview of NATO. With the adoption of the so-called European security strategy (ESS), the EU became an international operator with missions ranging from Southern Europe to Africa, the Middle East, and South-East Asia. Europe’s presence in the world advanced rather rapidly from concentrating on creating a pool of 60,000 rapidly available troops (the so-called Helsinki headline goals) to be deployed to global ‘hot-spots’, and finally to the formation of EU battle groups in 2004.\textsuperscript{19} These capacity-building efforts included the necessary institution-building - that is by putting in place governance mechanisms that can oversee the planning, deployment, and evaluation of EU operations abroad - as well as the establishment

\textsuperscript{17} Mark Webber et al, op cit., p.25
\textsuperscript{18} James Sperling and Emil Kirchner, op cit., p.1
\textsuperscript{19} See stock-taking of the first five years see Nicole Gnesotto (ed.), EU Security and Defence Policy. The first five years (1999-2004), Institute for Security Studies, European Union, Paris 2004
of formal coordination mechanisms with the United Nations (UN) and NATO. All these efforts materialized in some twenty-plus missions on three continents.²⁰

The EU has been characterized as a post-Westphalian state whereby governance primarily focuses on and uses tools of conflict prevention, peacekeeping/enforcement and peacebuilding—the so-called Petersberg Tasks.²¹ As James Sperling and Emil Kirchner remind us, EU security governance is seen to perform two functions—institution building and conflict resolution—and employs two sets of instruments (coercion and persuasion) with a clear preference for the latter.

Analysts have identified four policies of EU security governance (assurance, prevention, compellence, and protection²²), employing two sets of instruments: the persuasive (economic, political and diplomatic) and the coercive (military intervention and policing).²³ These four tasks can be pursued simultaneously and for post-Westphalian states like the European Union, a strong normative reliance and use of civilian policy instruments are noted to be preferred instruments of statecraft over the use of more coercive or military measures.²⁴ Specifically, in terms of assurance, the EU has sought to undertake a number of comprehensive steps. While, as Roberto Dominguez reminds us, NATO has barely developed policies of assurance, the EU produced the 1999 Stability Pact for South Eastern Europe which was viewed as a comprehensive

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²¹ Emil Kircher, ‘The challenge of European security governance,” op cit.,
²² Assurance identifies the efforts aimed at post-conflict reconstruction and confidence building measures, prevention captures the efforts to prevent the conflict by building or sustaining domestic, regional or international institutions, compellence refers to the tasks of conflict resolution, and protection describes traditional functions to protect society from external threats. See Kirchner and Sperling, EU Security Governance, p. 13-15
²³ James Sperling, op cit., p.7
conflict prevention strategy aimed at “strengthening the efforts of the countries in South Eastern Europe by fostering peace, democracy, respect for human rights and economic prosperity.” The European Union is also seen as a key operational player in persuading actors to build or maintain peaceful arrangements in Bosnia, Macedonia and Africa. Regarding prevention policies, Dominguez notes that the EU has a more diversified tool kit than NATO and has sought to implement a number of policies in which to contain potential rifts between the EU and its neighbors. For example, the European Neighborhood Policy (ENP) addresses the issues of short and long term political and economic reforms. The ENP is seen as having “contributed to good governance and the rule of law domestically, the improved capacity of civil institutions, and created a network of bilateral and multilateral commitments” which provided for a sense of stability in the eastern and southern periphery. Compellence policies have been slower to develop. Finally, in the realm of protection policies against an external threat, the EU has seen a mixed record while holding an acute collective action problem.

Different Perceptions on the Uneven EU-Africa Relationship

Engagement in Africa is a priority for the EU in the framework of CFSP and CSDP. Nonetheless, European policies towards Africa face historical legacies leading toward a consciousness of responsibility or even moral guilt on the side of many European politicians and elites. The very complexity of the continent’s politics, and the speed with which dramatic changes are taking place is a reason in itself for those concerned to preserve and enhance stability in the international system and to take an active interest in the continent’s affairs. Having said that,

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25 Roberto Dominguez, op cit., p.14
27 Robert Dominguez, op cit., p.15
28 See, for example, Adekeye Adebajo and Kaye Whiteman (eds.), The EU and Africa: from Eurafrique to Afro-Europa (London: Hurst Publishers).
beyond those altruistic concerns, there are also more self-interested reasons as to why the EU is interested in Africa. Inevitably, these can be understood most easily as threats. Unmanaged migration, crime, disease and terrorism are no less real for the depressing familiarity of the prejudices that accompany them. Contrary to longstanding economic and political problems, such as poverty and corruption, Western attempts to deal with security threats in Africa are a relatively new phenomenon\textsuperscript{29}, and date back perhaps as early as the publication of the European security strategy in 2003.

However, by examining European perceptions of engagement in Africa, no coherent approach by the EU can be found; most of its activity are the result of its member states. The interplay of national interests is thus the best guide for understanding the evolution of EU-Africa relations. Mary Farrell notes that “EU-Africa relations have, from the beginning, been characterized by the realist tendencies of individual European states (…). The earlier phase of EU-Africa relations was initiated because certain member states wished to retain formal links with former colonial dependencies in order to ensure continued access to raw materials and natural resources, and to protect economic investment already made or being contemplated in what were now newly independent states.”\textsuperscript{30}

Contemporary EU-Africa relations seem to indicate continuity in the pursuit of national interests by the EU and its member states, which is a situation which has been perpetuated due to the asymmetric bargaining strengths of both partners. Reflecting on the negotiations, under the Cotonou Agreement, of Economic Partnership Agreements (EPAs), Farrell stresses that “[t]he EU is promoting a model of regional integration that is far removed from the model of regional integration that has evolved within the EU itself. In fact, what the EU is promoting is a model of economic liberalization across the African continent


and, in the process, attempting to secure for itself continued market access and privileged economic status in the continent’s emerging markets.” Recently, however, as Lorenzo Fioramonti and Patrick Kimunguyi argue, African leaders have opposed these policies and became weary of Europe’s patronizing attitudes.31

Moreover, the EU’s policies towards Africa are much less focussed on intending to solve some of Africa’s most pertinent problems such as individual poverty, regional instability, or threats of terrorism that are likely to limit the success of the liberalization of African economies or securing broad-based societal benefits.32

Also from an institutional perspective, the EU is lacking a coherent approach. Some member-states have proposed the implementation of a coordination structure that would be both responsible for coordinating bilateral activities of EU member-states and for planning EU activities in Africa. The implementation of such a coordination structure is related to the EU architecture itself: it is interesting to note that a geographical question – security on the African continent - can create functional development at the EU institutional level.33

The European Engagement in Africa Under the Framework of CSDP

After the constitutive moments for ESDP in Pörtschach and St.Malo in 1998, the EU decided at the Nice European Council meeting of December 2000 to bring ESDP on track and to become operational by the time of the meeting of the European Council of Laeken in December 2001.34 This was underlined by the European Council’s Gothenburg summit

33 See Bagayoko (2009), 32.
34 European Council: Presidency Conclusions, Nice, 7-9. December 2000, [400/1/00].
in June 2001 where the incoming presidency was tasked to push ESDP forward. The heads of state and government noted that “T]he incoming Belgian Presidency is invited to take forward work on all aspects of the ESDP, together with the Secretary-General/High Representative, and to report on progress towards achieving the objective of making the EU quickly operational. Progress must continue so that a decision to that end can be taken as soon as possible and no later than at the European Council in Laeken.”

However, it took, once again, another external event to move ESDP forward. Following the events on 11 September 2001, an extraordinary European Council meeting took place in Stockholm on 21 September 2001 where European leaders stressed the necessity to make CFSP and ESDP operational as fast as possible: “It is by developing the Common Foreign and Security Policy (CFSP) and by making the European Security and Defence Policy (ESDP) operational at the earliest opportunity that the Union will be most effective.”

The European Council of Laeken adopted the “Declaration on the Operational Capability of the Common European Security and Defence Policy’ on 14/15 December 2001, signalling that ‘the EU is now able to conduct some crisis-management operations. The Union will be in a position to take on progressively more demanding operations, as the assets and capabilities at its disposal continue to develop. Decisions to make use of this ability will be taken in the light of the circumstances of each particular situation, a determining factor being the assets and capabilities available.”

More specifically, the EU developed different foreign and security policies according to different regions or countries in Africa. For

instance, the EU increased its security relations with the Maghreb countries 38 through the European Neighbourhood Policy (ENP) in 2004. 39 Likewise, it strengthened its foreign and security relations with the countries in East Africa, including Ethiopia, Eritrea, Kenya, Somalia, Djibouti, Sudan, and Uganda through the Strategy for the Horn of Africa in 2006. In 2005, the EU Strategy for Africa was adopted emphasizing to treat Africa as a single regional entity. Moreover, the EU built up special bilateral relations with South Africa through the EU-South Africa Strategic Partnership in 2007. 40 Also in 2007, a Special Representative was appointed signalling to the African Union (AU) that the partnership with Africa is being taken seriously in the EU, and to increase the level of understanding of the AU in Brussels. 41

Therefore, shortly after becoming operational with the publication of the European Security Strategy (ESS) in 2003, the EU was truly a global actor and involved in several military or quasi military operations, not only in its neighbourhood on the European continent but also in Africa. It also had developed its own formal security strategy (ESS) as a guidance document to the further development and implementation of ESDP. 42 In particular, the ESS notes that regional conflicts and state failures as key challenges while stressing that “[S]ecurity is a precondition of development. Conflict not only destroys infrastructure, including social infrastructure; it also encourages criminality, deters investment and makes normal economic activity impossible. A number of countries and

39 See also, for example Florence Gaub, *Against All Odds: Relations between NATO and the MENA Region* (Carlisle, PA: US Army War College).
regions are caught in a cycle of conflict, insecurity and poverty.”

It is worthwhile to note that in the ESS of 2003, the regional conflicts in Africa were perceived as “less visible and less predictable” threats that menaced the European interests “directly and indirectly”. In contrast, in the Report on the Implementation of the ESS from December 2008, conflicts in Africa are no longer perceived as key threats, but as “manageable environments” in which the EU is committed to enhance the “African capacities in crisis management, including regional stand-by forces and early warning.”

Africa has been the theatre of several EU military operations, which in turn raised hopes among some that this would be the shape of things to come. Looking at the different missions and operations from various angles, it is apparent that the EU applied its entire spectrum of crisis management instruments in various theatres, ranging from purely military operations, such as Artemis in DR Congo or EUFOR Tchad/RCA to security sector reform missions in Guinea Bissau to anti-piracy operations at the Gulf of Aden. Out of more than thirty missions and operations under the framework of CSDP, eighteen have taken place on the African continent. From a geographical perspective, the EU’s focus lies on Central Africa as well as the Horn Africa and more recently in the Sahel zone and Libya.

The scale of operations and missions is also dependent on the type of operation/missions carried out and ranged from twenty-five in EUSSR Guinea Bissau to around 2,000 personnel deployed in operation Artemis. It is also worth taking a closer look on the countries participating in these missions as well as examining the question which interests were affected. Chris Patten, the former EU Commissioner for External Relations, once pointed out that there is no European policy on a big issue unless France, Germany and the UK are on side. Without doubt,

it can be said that France is the dominating actor in exercising the EU’s crisis management in Africa, which is very much due to its colonial past and national interests.\textsuperscript{46} Germany played a hesitant but leading role with regard to EUFOR RD Congo\textsuperscript{47}; however, it did not participate in EUFOR Tchad or the Libyan mission. The UK, as it could best be witnessed in the case of Libya, continued its tradition of unconditionally staying on the side of the USA and thus away from the EU. As Corts Diaz rightly points it out, it is interesting to observe how France and Britain have travelled back to the old days of realpolitik in order to regain importance on the world stage via a pure idealistic logic. The strategic culture of both countries clashes with Germany’s pacifism, which has become an object of national pride.\textsuperscript{48} Speck summarised Germany’s position with regard to Libya succinctly by noting that: “Since others still make war, we [Germans] have learnt the lessons of history and become a force for peace.”\textsuperscript{49}

All EU missions, whether they were of civilian or military nature, have received the explicit authorization by the UN Security Council. In some cases, existing EU forces on the ground continue on serving as UN forces (or vice versa) at the handover of authority and continue the same or similar tasks (e.g. EUFOR CHAD/RCA).\textsuperscript{50}

Whilst scaling up the EU’s level of ambition as seen with EUFOR Tchad/RCA does not seem to be problematic on an ideational level, its location

\textsuperscript{46} See Jean Yves Haine, “The Failure of a European Strategic Culture – EUFOR CHAD: The Last of its Kind?”, \textit{Contemporary Security Policy} vol. 32, no. 3, pp. 582-603


\textsuperscript{49} Speck, Ulrich (2011) Pacifism Unbound: Why Germany limits EU hard power. FRIDE Policy Brief, No. 75.

\textsuperscript{50} For a general analysis of EU-UN relations see Claudia Major, \textit{EU-UN Cooperation in Military Crisis Management: The Experience of EUFOR RD Congo in 2006} (Paris: European Union Institute for Security Studies).
certainly is, and as with EUFOR RD Congo, reflected French rather than EU interests. Although operation *Atalanta* is also based in Africa, the focus on piracy meant that it encompassed European interests.

Above all, European crisis management operations in Africa seem to be a testing ground for extending the number of tasks the EU can undertake, underlining that a strategic culture is developing over time in this particular aspect. However, as Chappell and Petrov rightly point out, the core rationale of engaging in Africa has to be questioned unless it deals with a key threat, as the anti-piracy operation *Atalanta* demonstrates. When taking a closer look at that operation, it becomes obvious that France has been the most successful country of the big three in CSDP in bringing its interests to the EU level and convincing other member states to participate in operations which encompass its area of interest. Whilst deploying operations in a region based on one or more member states’ interests can eventually lead to the area being classified as an EU interest, this has yet to occur. Therefore, increasing agreement on the EU’s role in Africa has not been forthcoming.51

**Which way Ahead for the EU-Africa Security Partnership?**

Over the past two decades, European engagement in Africa has undergone major shifts and challenges that led the EU to elaborate a more comprehensive strategy with regard to security governance encompassing conflict prevention, crisis management as well as post-conflict reconstruction efforts. The results of this paradigm change can clearly be seen in the wide range of activities carried out by the EU within CSDP. From the EU’s perspective, security policy in Africa is seen as a non-interventionist, soft policy and as an enabler for development. Nonetheless, the EU has so far not been able to develop

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an overall strategy for Africa primarily because particular national interests are conflicting with overall European interests. Thus, it is not surprising that EU crisis management in Africa happened more on an ad hoc basis rather than on a well-developed strategic approach. Moreover, the EU’s security governance practices are lacking especially with regards to coherence and sustainability. These incoherent policies and asymmetrical relationships could mean that the EU is losing relevance in Africa.

In general, the EU and Africa share a common agenda in terms of security, and there is broad consensus on the ultimate objectives: both entities believe that Africa itself should have the capacity to ensure the security of the continent and the EU shall provide support and assist the African partners in building up their security capacities. However, on a political level the recent EU-AU Summit in 2014 has clearly shown that cooperation between the EU and Africa is mainly based on economic centered topics and thus leaving security issues a subordinated position although the key challenges in the relationship include peace and security, terrorism and drugs-trafficking.\(^{52}\)

Therefore the question needs to be raised whether the European side has been able to understand Africa’s priorities and interests? At the same time, one could ask whether the African partners are ready to overcome their perception of European partners as being lecturing, disdainful and preaching principles that it does not comply with? The recent geopolitical dynamics and increasing African ownership do not only leave room for new approaches of cooperation but also require an honest and trustful partnership between two equal partners. In fact, a more honest discussion of the core interests of both continents is needed. In a multi-polar world where there is an increasing interest to engage with a more attractive African partner and the EU should

clearly stress its value added vis-à-vis other potential partners. It is thus necessary that the EU will continue its strong support to the African Peace and Security Architecture, in particular with respect to the role to play in support of peacekeeping. For the future cooperation in this field it is of utmost importance to take into account the lessons learned from the crisis management experiences within CSDP missions and operations on African soil, and to make the EU a more committed actor in supporting African security, including through offering greater political engagement and military assistance. Thus, for the future it will remain necessary to take the EU-African security partnership to the next level.
Militarisation or Improved Policing?
The Interplay Between the Military and the Police in Uganda

Jude Kagoro

Introduction

Following independence from the British in 1962, Uganda, like many other African countries, experienced a turbulent socio-political history dominated by violent dictatorial regimes such as those of the infamous Field Martial Idi Amin in the 1970s and Milton Obote in the 1980s. The authoritarian character of the regimes was coupled with the state’s failure in its policing duties. Instead, the state itself had become a source of insecurity and the security forces including police dreaded institutions.¹

In January 1986, the current regime, the National Resistance Movement (NRM) under President Yoweri Museveni, took over power following a five year guerrilla war. Since then, a number of scholars have argued that the NRM regime has relatively enhanced peace and security in the country.² This notwithstanding, it is illustrated in this chapter that since the late 1990s the same regime seems to have increasingly embraced patterns of militarisation in the civil police force. At least three

dimensions illustrate this negative phenomenon. First, the government has deployed military personnel in the police and subsequently appointed military generals to head it. Second, the civil police force has adopted military models such as the shoot-to-kill operations and violence-centric means of problem-solving. Third, there are indicators, which suggest that the police is involved in political policing. This is contrary to the conventional security paradigm that vouches for a clear distinction between the police and military.³

Based on extensive fieldwork conducted in Uganda—between April and August 2009; January and April 2011; January and March 2012 and November 2013 to February 2014⁴—this chapter argues that the close ideological and functional bond between the police and the military is largely connected to rivalry for political power at the macro level. To achieve its objective, the chapter provides a conceptual clarification of what is meant by militarisation of the police. It then proceeds to trace the roots of contemporary militarisation of the police, which are largely political in nature. What follows is an account of how the appointment of military generals to the post of Inspector General of Police (IGP) closed the ideological gap that existed between the ruling NRM party and the force. The entry of the military generals, the chapter advances, has changed the character of the force, especially the insertion of a military subculture. Thereafter, the chapter illustrates on the phenomena of police-military joint operation and collaborated police violence, including militaristic tactics employed while dealing with opposition politicians and supporters. On the flip side the chapter also highlights

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⁴ The research mainly used three qualitative techniques of data collection; in-depth interviews, Focus Group Discussions and observation. Given the sensitivity of the subject, the majority of interviewees requested anonymity. In the period between November 2013 and February 2014, this author was on a daily basis based at police stations or out in the field with police officers.
that on a day-to-day basis the police force does normal police duties expected of it such as apprehending criminals, taking statements of complainants/suspects, organizes traffic and restrains drunk drivers in a more organised manner than before.

The chapter concludes that despite some improvements in the police force, the militarisation process is slowing down the democratic processes of the country and may led to severe political consequences. Finally, the chapter recommends that the police force should embrace a model primarily based on democratic policing and procedural justice while ensuring that it performs its constitutionally mandated duties in a coherent manner. In general, it is proposed that the Uganda government should adopt the United Nations security sector reform (SSR) paradigm that seeks to depart from the traditional preoccupation of defending the state and political elites to guaranteeing the physical security of the entire society while at the same time respecting human rights.5

**Conceptual Reflections: Militarisation of the Police and the Overlaps Between Police and Military Functions**

Militarisation is a conceptually elusive terminology that scholars have approached from different perspectives. Chinwanno Chulacheeh (1985) defines it as a process through which norms, institutions and other aspects of society are penetrated, dominated and influenced by the military establishment in a given state.6 Michael Lowy et al (1985) define it as a process through which the military hierarchy occupies the central and most influential positions in the political realm of a state.7 For Andrew Ross (1987) militarisation is the accumulation of capacity for organized violence and military build-up by the state.8

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5 For details of the SSR see http://unssr.unlb.org/ [Accessed on 11.05.2014].
8 A Ross, ‘Dimensions of Militarization in the Third World’, Occasional Paper in Arms Control, Disarmament, and International Security, University of Illinois at Urbana-
Robin Luckham (1998) equates militarisation to the interaction of a number of variables such as military coups, war, authoritarian regime, powerful military, rising military spending, armed imports and repressive state apparatuses among others in a given state.9 Frank van Acker (2004) looks at it as a process that increases the weight of the military in social and political interactions.10 Not so different from van Acker’s perspective, Lesley Merryfinch (1981) observes that militarisation happens when the military goals, values and apparatus increasingly dominate a state’s culture, politics and economy.11

Perspectives on de-militarisation also give an insight into what is understood to be militarisation when turned on their head. Guy Lamb (1999) argues that de-militarisation is the process through which a state embarks on a continuous and sustained lessening in size, power and influence of the military sector and re-allocates the resources for civilian purposes.12 In their deconstruction of de-militarisation, Batchelor Peter and Kingma Kees (2004) argue that the process can be achieved quantitatively and qualitatively. They suggest that quantitative de-militarization is measured over time through the reduction of military spending vis-à-vis the Gross Domestic Product (GDP). The scholars claim that qualitative de-militarisation is achieved through changing social, cultural and ideological perspectives of society.13

In the same vein, Susan Willett (1998) argues that apart from the reduction in resources allocated to the military, de-militarisation involves

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the search for a new normative framework for understanding security.\textsuperscript{14} Jacklyn Cock (2004) infers that de-militarisation is the reduction in the viewing of violence as a legitimate means of solving problems and defending power.\textsuperscript{15} Acknowledging the above definitions, this chapter conceptualizes the term militarisation as the process that aids in the implementation of militarism—the set of attitudes, values and practices that stress the use of violence and military models as appropriate means of solving problems and enforcing order.\textsuperscript{16}

Conventionally, the concept militarisation of the police has been applied to denote patterns of police violence and the adoption of military tactics in the enforcement of civilian order.\textsuperscript{17} Police history, with emphasis on the night-watchmen and British Bobbies, captures two diametrically opposing perspectives—having been formed out of militia groups/military soldiers or out of acute fear of military control.\textsuperscript{18} It is argued

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Beyond State-Building

that there is an inherent historical, political and sociological bond between the military and police. This notwithstanding, the traditional security thinking perceives the military to be removed from domestic spheres by focusing on external threats and the police to be concerned with monitoring the domestic spheres. The “Security Sector Reform” (SSR) paradigm, which took shape in the 1990s, also advocates for a clear separation between the two forces.

However, drawing clear boundaries within the security structures to limit each to a specific type of security is an empirically complex task. Generally, it has been observed that the post-cold war period has witnessed the emergence of challenges which defy the distinction between police and military roles. In fact, it is not only the military that is getting more involved in domestic threats, but the police is also getting more involved in external threats. Alice Hills argues that

separating the roles of police and military is particularly more difficult in Africa because the police forces are politicized and have a tradition of paramilitarism.\textsuperscript{25}

At the heart of the militarisation of the police debate is the application of violence-centric tactics of problem solving.\textsuperscript{26} Kurt Andrew Schlichter (1993) aptly argues that the military is designed, organized and equipped to execute rapid, violent and efficient obliteration of the “enemy”—whoever the enemy may be. He adds that military methods are by nature not architectured to deal with shades of grey that a police officer encounters on a day to day basis, but are tailored to the stark black and white of the battlefield. Police officers are trained to talk with the perceived adversaries, a character that the military does not necessarily share.\textsuperscript{27}

However, some scholars have generally argued that violence and brutality are rooted in the police culture and its informal rules.\textsuperscript{28} Moreover, police brutality/violence is generally common in Africa where harsh modi operandi are institutionalized and predictable.\textsuperscript{29} Based on the preceding accounts, it can be argued that the police-military spheres overlap and

the militarisation of the police in general is neither new nor limited to Uganda.

**Tracing the Roots of the Contemporary Militarisation of the Uganda Police Force**

The 1995 Uganda constitution draws a separating line between the military and police. Chapter Twelve — on Defense and National Security — article 209 of the constitution prescribes the functions of the military (Uganda Peoples’ Defense forces) as: (a) to preserve and defend the sovereignty and territorial integrity of Uganda; (b) to cooperate with the civilian authority in emergency situations and in cases of natural disasters; (c) to foster harmony and understanding between the defense forces and civilians; and (d) to engage in productive activities for the development of Uganda. The same chapter, article 212, lays out the functions of the Uganda Police Force as: (a) to protect life and property; (b) to preserve law and order; (c) to prevent and detect crime; and (d) to cooperate with the civilian authority, other security organs and with the population in general.30 Despite the constitutional provisions, the two forces seem to be functionally fused for political reasons.

For fifteen years of President Museveni’s presidency the police was largely perceived as anti-establishment. Presidential elections results show that President Museveni and his National Resistance Movement (NRM) party lost by big margins to opposition candidates Paul Ssemogerere in 1996 and to Col Kizza Besigye in 2001 at polling stations located inside police barracks, while winning massively at those located in army barracks.31 Highlighting his displeasure with the police, President Museveni once whined, “If I stood with a cow, policemen would rather vote the cow, not me.”32 It is important to note that the ideological distance between the police and the NRM is connected to

30 See the 1995 Uganda Constitution, Ch. 12.
31 See *The Independent Magazine*, Kampala 27.06.2008.
32 See *The Daily Monitor* Kampala, 02.10.2007; *Independent Magazine*, Kampala 27.06.2008.
the fact that the latter had inherited the former from the past regimes. Based on political considerations President Museveni had to work on molding a police force that reads from the same political page as his constituency in the army, a senior military officer and a police officer separately observe. The vote of no-confidence that the police was extending to Museveni and NRM was giving the opposition a psychological boost; a trend that had to be reversed. As Albert K. Ocran (1993 p 75) suggests, “If they [police] are isolated there is a likelihood of them co-operating only passively, or worse still, actively with possible opposition groups by withholding information and intelligence, helping to spread rumors and propaganda and generally bringing… regime into ridicule and contempt.

The mutual mistrust between the police and President Museveni had manifested in the early days of his presidency. In fact, after assuming power in 1986, the president had intended to officially disband the police force and replace it with the military police, but donor concerns slowed down this plan. Separate interviews with a retired senior military officer and a senior police officer revealed that President Museveni avoided donor pressure by adopting a more gradual and subtle approach of orienting the police on the same ideological and functional path as the military to buttress regime security. As it shall be seen shortly, this process included the deployment of military generals to head the police force.

First, the president prepared the general public to resonate with the militarisation of the police scheme. In part, public consent was constructed when the NRM government continuously condemned the police for its inefficiency, incompetence, corruption and failure to fight...
crime. The government continued to underfund the police which made it even more difficult for the force to improve its efficiency and to win public sympathy. A senior journalist notes, “We were softly prepared for militarism when the president kept blaming his own police for failure to address insecurity. Logically we found ourselves on the same side as the president….”

In 1999, the government appointed a judicial commission headed by Lady Justice Julia Sebutinde to probe the police following heightened accusations of corruption and mismanagement in the force. In the course of the commission’s inquiries, police officers that had been found guilty were belittled in the judicial courts, in the media and in the public opinion courts. In light of this background, a retired police officer infers,

We as police had a very bad public image and we could not have points [arguments] against the appointment of military officers. We were trapped, because our problems were majorly emanating from lack of funding by the state and yet the state was at the same time castigating us for incompetence. Of course it was because of us not voting NRM… Museveni did his tricks in a very Kakuyega [secretive] style.

The Entry of Military Generals into the Police

In 2001, after the presidential elections, President Museveni made major changes in the civil police force and appointed a military general, Katumba Wamala, as the Inspector General (IGP). This appointment came as no surprise and, to many, as a relief since the traditional police officers had already been demonized. One military officer believes

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36 Senior Journalist JN9, interview, Kampala 07.04.2009, Kampala.
38 Senior Journalist JN9, interview, Kampala 07.04.2009; Academic ACD9, interview, Wakiso 12.01.2011; Police Officer POL4, interview, Lira 05.02.2011.
39 Retired Police Officer POL10, interview, Kampala, 13.01.2011.
40 In the same year, neighboring Kenya also appointed a military general, Brig. Hussein Ali, to head the police
41 Senior Journalist JN1, interview, Kampala, 13.04.2009. This opinion was also expressed during a discussion with three senior journalists held on 12.02.2012 in Kampala.
that the citizens had been well prepared in advance. Following Gen. Katumba’s appointment police management issues at all levels were addressed and the discipline of the forces was greatly improved. To give Katumba’s appointment credence the government immediately increased police funding, which in turn enabled the force to realize some rapid positive changes that enhanced its public image.

After serving for five years, Wamala was re-deployed in the military as the Commander of Land Forces. In May 2013, the same Wamala was appointed the Chief of Defense Forces (CDF) — the highest position of the military. The crisscrossing deployment of Gen. Katumba Wamala from the military to police and back to the military demonstrates how increasingly fused the police and the military have become.

In 2005, Gen. Katumba was replaced by another army general, Kale Kayihura. At the handover ceremony, Alice Hills observes, “Katumba wore full military uniform while Kayihura wore a senior police officer’s uniform.” In May 2013, Kayihura was promoted to a four-star general, the highest rank in the military, but retained his position as head of police. Government justification for the deployment of military generals in police has been that the force lacks capacity and is in dire need of military support.

Gen. Kale Kayihura is an NRM guerrilla war veteran, served as a military assistant to President Museveni and is a former Chief Political

42 Military Officer MIL12, interview, Bombo barracks, 13.03.2011.
43 Baker, ‘Multi-Choice Policing in Uganda’ 27. Gen. Katumba was appointed in the period immediately following the Sebutinde commission thus, many of the achievements of the police may be interpreted in light of the commission’s recommendations.
45 Rubongoya, Regime Hegemony in Museveni’s Uganda, 224.
48 See The Daily Monitor, Kampala 25.05.2013.
49 Hills, ‘Police Commissioners, Presidents and the Governance of Security’ 409.
Commissar of the military.\textsuperscript{50} That position is a preserve for those believed to be “trustworthy” and with sound competence in regard to NRM’s political ideology.\textsuperscript{51} Thus, he is perceived to be a close confidant of the president. In fact, one military officer referred to him as “the blue-eyed boy” of the president.\textsuperscript{52} Therefore, many observers connected his appointment to the February 2006 presidential elections. Alice Hills adds that the move was also an attempt to intimidate the police into supporting Museveni.\textsuperscript{53}

Several interviewees expressed that after becoming the police chief, Gen. Kayihura embarked on the political orientation of the police force to reduce the ideological distance that existed between it and the NRM. First and foremost, he summoned the top police officers for a politico-military training at the national political school, the Kyankwanzi School of Leadership. As a police officer claims, many saw this as NRM party indoctrination.\textsuperscript{54} Gen. Kayihura’s strategy was received with some resistance by some of the police officers. Higher ranking officers who were less supportive of the injection of military ideas into police such as Commissioner Fred Nabongo, Bob Ngobi, Joventine Odoket, Christopher Yiga among others, were subsequently sidelined.\textsuperscript{55}

Additionally, some military officers were furtively recruited into the police to soften the political orientation process. The secret recruitment of military officers into the police force was separately confirmed by a senior military officer and a police officer.\textsuperscript{56} Moreover, the same allegations were publically confirmed by Gen. Kayihura who supported the presence of soldiers in the police force.\textsuperscript{57} It is believed that many

\begin{footnotes}
\item[50] Rubongoya, \emph{Regime Hegemony in Museveni’s Uganda}, 224
\item[51] Academic ACD8, interview, Kampala, 15.04.2009; Police Officer POL3, interview, Mbarara, 05.02.2011; Resident District Commissioner RDC2, interview, Kampala, 07.03.2011.
\item[52] Military Officer MIL12, interview, Bombo barracks, 13.03.2011.
\item[53] Hills, ‘Police Commissioners, Presidents and the Governance of Security’ 410.
\item[54] Police Officer POL3, interview, Mbarara, 05.02.2011.
\item[55] Ibid.
\item[56] Military Officer MIL5, interview, Kampala, 16.04.09.
\item[57] See \textit{The Daily Monitor}, Kampala 20.02.2012.
\end{footnotes}
of the police officers holding sensitive positions have a military background. Some reports indicate that over 1,200 military personnel have been assigned to the police force. The general public, especially the elites in Kampala city, also largely views police as an offshoot of the military. Statements like “police officers are military officers in police uniform” and “the police as a branch of the military” are now common in public spaces.

According to chapter 12 of the 1995 Uganda constitution, the police falls under the Ministry of Internal Affairs and the military under the Ministry of Defence, but a senior intelligence officer offers that by virtue of the police being headed by a serving military general, it has a double affiliation. Moreover, in June 2013, the immediate former Chief-of-Defence Forces, Gen. Aronda Nyakairima, still a serving soldier, was appointed Minister of Internal Affairs. What is clear is that the coming of the military generals into the civil police has eroded the traditional security thinking which separates the two forces and also opened questions about the political neutrality of the police.

**The Military Subculture in the Police Force**

The deployment of military officers—including Generals as IGP—in the police has to some extent inserted a military mindset and subculture into the force. Besides, interviews with some police officers revealed


59 Senior Journalist JN1, interview, Kampala 13.04.2009; Academic ACD10, interview, Kampala 10.05.2009; This opinion was also expressed during a special discussion with three senior journalists held on 12.02.2011 in Kampala and in a focus group discussion with Makerere University students held on 24.02.2011 in Kampala.

60 Intelligence Officer INTEL2, interview, Wakiso, 28.02.2011.

61 Gen Aronda’s ministerial appointment put President Museveni and Parliament’s vetting committee on a collision course. The committee rejected Aronda’s appointment for more than a month on grounds that he was still a serving soldier, however, the president later persuaded the committee to accept the appointment. For details see inter alia, *The Observer*, Kampala, 14.07.2013.
that the force has rigorously recruited fresh university graduates who are taken for both intensive military training, and police training. Asked about the difference between police and military training, interviewed officers were generally of the view that whereas police training should be more concerned with handling crime, how to use evidence and conduct investigations, the current police training in Uganda includes battle drills and handling of lethal weapons, which should be a reserve of the military. On his part, a senior military officer observes that the police training traditionally lasted six months, but today it takes twelve months because newly recruited officers have to do both police and intensive military training. The police trainees are trained by pure military officers during their first phase of training. Diane Cecilia Weber (1999) would say that the sharing of training is producing a shared mindset. However, the mindset of the soldier is simply not appropriate for the civilian police officer.

As conceptualized earlier, the use of violence-centric tactics is central in the militarisation of the police debate. This is not different in Uganda where a number of interviewees used incidents of police violence, especially in its efforts to break-up political demonstrations and crowds of opposition supporters, to conclude that the force is militarised. A senior military officer offers that the work ethics of the police are more military than police; “the force is organized along military structures and

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62 Police Officer POL3, interview, Mbarara 05.02.2009.
63 Senior Military Officer MIL13, interview, Kampala, 20.05.2009. Important to note is that the legal framework in Uganda provides for police to perform military duties (1994 Police Act: Section 4-1-f). Thus, equipping police officers with military skills is not necessarily outside the law.
displays more military-like characteristics in its operations as opposed to a prototype civil police force”. The officer adds that the police force is now more centralised and equipped with more lethal weapons such as AK47s, light infantry weapons and others with stronger suppression capabilities.66 An academician at Makerere University offers that “the police force is actually becoming more military than the military itself.”67

Public opinion seems to support the claim that following after the appointment of military generals to head the police, the tactics of the force and those of the military are highly undifferentiated.68 In almost all the anti NRM political demonstrations and opposition rallies, especially in Kampala city, the military is deployed on the streets to reinforce the police’s capacity to contain the demonstrators. Some of these gatherings have been quelled down in a more iron-fisted military style.

For instance, in September 2009, the military and police jointly shot live bullets into crowds of pro-Buganda demonstrators leaving 27 people dead and hundreds injured.69 In April-May 2011, tens of people were shot dead and hundreds injured by the joint military-police operation to contain the walk-to-work demonstrations that were being led by the opposition leader Col. Kizza Besigye.70 At one such demonstration, the police-military brutally arrested Col. Besigye after spraying pepper in

66 Senior Military Officer MIL13, interview, Kampala, 20.05.2009.
67 Academic ACD5, interview, Kampala 26.01.2011.
68 This opinion was expressed in several interviews carried out between April and August 2009; January and April 2011; January and March 2012 and November 2013 to February 2014.
69 See Africa Yearbook (2009) 412; also see The Daily Monitor, Kampala, 11.09.2009; The New Vision, Kampala 12.09.2009; The Observer, Kampala 14.10.2009. Buganda is a traditional kingdom in central Uganda with the Kabaka (king) as its head. Hundreds of pro-Kabaka demonstrators had poured on the streets of Kampala and other surrounding areas protesting the refusal of the Kabaka to tour Kayunga district (considered part of Buganda) by the NRM government on security grounds.
70 The demonstrations were organized in protest against the rising food prices, fuel prices and alarming levels of inflation in Uganda.
his eyes, shooting his arm and using hammers and guns to smash the windows of his car. 71

Moreover, Gen. Kale Kayihura has explicitly justified the adoption of military tactics by the police force. At a June 2012 police commanders’ workshop, “the Force Command and Control Strategy” in Bushenyi (western Uganda), Kayihura urged his officers to adopt military tactics to counter what he referred to as negative forces such as rowdy demonstrations, terrorism and rebels. He added that the police should embrace military formations such as military platoons, a system that facilitates control and command. Kayihura further explains, “we [police] are dealing with military-like threats, we must use military organisation to defend ourselves and also be able to operate and defend people.” 72 Diane C Weber (1999) would use this to confirm that the police has been militarized since it is increasingly accepting the military as a model for behavior and outlook. 73

On several occasions the police deploys heavily at the homes of the politicians constraining their movements. It is also common to observe heavy police presence at different strategic locations such as roundabouts and at the Constitutional Square in Kampala city. Moreover, in August 2013, the Ugandan Parliament passed the Public Order Management Bill—later signed into law by President Museveni in September 2013—despite broad criticism by opposition politicians, religious leaders, domestic and international civil society organizations. 74 The Act gives police discretionary authority to veto gatherings of as few as three people in a public arena to deliberate political issues—the force can also break up a gathering of three or more people discussing political issues in their homes. To organize a public meeting, police must receive

72 See The Daily Monitor, Kampala 18.06.2012.
written notice seven days in advance.75 Clive Emsley (1996) would describe this as a clear indicator of political policing. In his reasoning, political policing is taken to mean at least two separate things: on one hand overt political partisanship on the part of the police; on the other the surveillance of politically suspect groups or individuals.76 As Alice Hills (2007) observes militarisation and politicization of the police forces are hand-in-glove and both are largely products of regime security.77

**Police-Military Joint Operations**

At an official level the government has instituted a number of security operations that are jointly executed by the police, the military, and other intelligence/security organizations—such as Internal Security Organization and External Security Organizations—on an ad-hoc basis. A case in point was in the late 1990s and early 2000s when Kampala and the surrounding areas were infested with sophisticated armed robbers and hardcore criminals—many being ex-soldiers, some serving soldiers conspiring with criminal gangs and others deserters from the military. To counter the insecurity paradox the state instated a *shoot-to-kill* operation code named “Operation Wembly”.78 Operation Wembly was renamed “Violent Crime Crack Unit” (VCCU), now called the “Rapid Response Unit” (RRU) and is firmly under the joint and fused command of the police and military.

In the same period (late1990s and early 2000s) Kampala and the surrounding areas witnessed a number of small scale terror attacks attributed to the Allied Democratic Front (ADF) rebels that are believed to have ties with the al-Qaida. The ADF carried out forty-eight attacks,

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77 Hills, ‘Police Commissioners, Presidents and the Governance of Security’, 408.
78 Rubongoya, *Regime Hegemony in Museveni’s Uganda*, 28. Operation Wembly was commanded by Brig. Elly Kayanga at the time doubling as Director General of Internal Security Organization (ISO).
killing approximately fifty people and injuring some two hundred others. In response to the terror threats and attacks, the state has put in place a fused police-military-intelligence initiative code-named “the Joint Anti-Terrorism Task Force” (JATT). By 2004, JATT had generally managed to disable the ADF.

Despite some successes of the anti-hard-core criminality and terrorism operations, a number of criticisms were voiced. For a start, the operations were legally ambiguous, over militarised and in some cases used for political purposes. For instance, an opposition politician claims that anti-terror operations gave the government enough excuse to victimise supporters of the opposition by quickly associating them with terrorism. He adds that the government was using “terror to fight terror.”

Human Rights Watch’s report “Open Secret” agrees with such critiques in its claims that JATT had committed human rights violations in the course of its fight against terrorism. The report highlights abuses that include incommunicado detention at illegal detention centres; operatives using cars without number plates; operatives carrying out arrests while in civilian clothes and with no identifying insignia; not informing suspects of the reasons they were being arrested and the use of routine torture during interrogation. It has been generally pointed out that JATT, Operation Wembly and its successors (VCCU-RRU) working jointly with members of the military and its intelligence wing—Chieftaincy

80 Ibid. On 11.07.2010, however, major terror attacks that were traced to Al Shabab of Somalia were carried out killing close to one hundred people who were watching the world cup finals at two restaurants in Kampala city for details see BBC, London 12.07.2010; *The New Vision*, Kampala 12.07.2011; *The Daily Monitor*, Kampala 12.07.2011.
82 Politician PLT14, interview, Kampala, 25.01.2011.
of Military Intelligence—and other intelligence organizations, coerce suspects into confessions of crimes against the state.\textsuperscript{84}

Besides the known joint operations above, some of the militarised tactics of the police are highly disguised. A classic example of this was the over 30 armed para-military men wearing black t-shirts and black jeans, better known as the “Black Mambas”, who were deployed to surround the high court during the bail hearing of opposition leader Col. Kizza Besigye in November 2005. The courts, including high court judge James Ogola, described the incident as an act meant to intimidate and unduly influence the hearing. A few weeks after the incident the same men were pictured in police uniform.\textsuperscript{85} This was an unprecedented event as Carbone calls it, of which President Museveni himself expressed his regret and pledged for a full investigation of any governmental wrongdoings.\textsuperscript{86}

A police officer intimates that in a more disguised manner, the Chieftaincy of Military Intelligence (CMI) — supposed to deal with intelligence on the military or of military nature — engages in arresting civilians, especially those perceived to be active mobilizers for the opposition but less known. The officer adds,

In some cases CMI may arrest people and take them to the Central Police Station (CPS) in Kampala or in other police stations across the country. However, though under the premises of the police; the police in a way has no jurisdictions over such suspects…investigations and interrogation of such suspects is done by military officers from CMI and not police officers.\textsuperscript{87}

William D. Stanley (2002) may have used cases of applying military tactics in police duties and the thin-line dividing “enemies” and

\textsuperscript{84} Rubongoya, \textit{Regime Hegemony in Museveni’s Uganda}, 173.
\textsuperscript{85} Ibid 195; \textit{Africa Confidential}, 09.06.2006:7; BBC, London 31.01.2006; Carbone, No-Party Democracy? 84.
\textsuperscript{86} Carbone, No-Party Democracy? 84.
\textsuperscript{87} Police Officer POL3, interview, Mbarara, 06.08.2009.
opposition supporters, to make an argument that the state has structured a security architecture that is oriented to protecting regime power rather than provision of security as a public good.  

**The Flip-Side: Improved Quality of Policing**

Despite the obvious patterns of militarisation there as some signs that the police’s capacity in the maintenance of order, enforcement of law, as well as prevention and detection of crime has improved. A day-to-day observation at both rural and urban police stations, especially the latter, shows that people report cases/crimes in big numbers. At the stations, the police-populace interactions seem cordial and information regarding procedure relatively clear. For instance, at every station visited there is information stuck on the wall illustrating that police bond is free of charge in both English and the local language of a particular community. Mobile telephone numbers of middle-level and senior-level officers are displayed at the counter or stuck on their office doors or can be availed at the counters. Thus, the officers can be reached by both complainants/suspects and fellow colleagues in line of duty. Almost every morning, the OC CIID at different police stations holds the “suspects parade.” At the parade, the suspects that are in police custody are taken to an open space and each of them publically updated on the progress of his/her case.

At the macro-level of the police, the entry of military generals, especially the current IGP, Gen. Kale Kayihura has not only closed the ideological gap between the ruling party and the police, but also made the latter a priority. For a start, police funding has tremendously grown. In the last ten financial years (FY)—2003/2004-2013/2014—the police budget has grown by 300% (from 75 billion to 303 billion.  

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89 See FY 2013/2014 Ministry of Internal Affairs, *Ministerial Policy Statement*. Presented to Parliament for Debate of Estimates of Revenue and Expenditure: Presented by James Baba, Minister of State for Internal Affairs on 30th June 2013, 83-134. See also H Matsiko,
Gen. Kale Kayihura managed to negotiate with the Uganda Revenue Authority (URA) to allow the police retain all none tax revenues such as traffic fines rather than remitting them to the tax authority. In turn, capital investments that facilitate policing capacity have similarly grown. For instance, in October 2013, the police headquarters relocated from rented premises to a new state-of-the-art home (2,320 square meters of office space) that was constructed at the cost of 9.9 billion Uganda shillings. Through increased funding the police fleet has been enhanced; from FY2003/2004 to 2013/2014 the number of Armoured Personnel Carriers (APCs) have grown from 0 to 30, ambulances from 0 to 21, patrol pickups from 125 to 591, troop carriers from 0 to 32, saloon cars from 41 to 232 and motorcycles from 0 to 3556 among others. The increase in the police fleet has improved its mobility in response to crime across the country.

The traffic police department has been provided with modern breathalysers to fight drink driving and over 100 speed guns to apprehend drivers who break speed limits. These two technologies are playing a major role in police’s attempts to reduce traffic accidents, Uganda being one of the African countries with the highest rate of road accidents. A forensic laboratory has also been constructed in Naguru (Kampala) to improve the processing of evidence in police investigations. In FY2013/14 the same laboratory is to be upgraded to serve the entire East Africa following a recommendation by the East African Police Chiefs Cooperation Organization (EAPCCO).

The police force has re-branded itself attracting thousands of young university graduates to its ranks. A visit at the Kibuli (Kampala) recruitment centre in January 2014, revealed that despite the police

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90 See also Mwangaza, (October, 2011) Vol. 003, No. 001 22-24. Mwangaza is a monthly magazine of the Uganda Police.


having advertised for 500 officer cadet positions, over 4500 young graduates turned up to try out their luck. Even rural police stations across the country are headed by graduates a trend that has relatively transformed the quality of relations between the citizens and the police. Weighed against the historical context where the police was predominantly a field of the semi-illiterates, a claim can be made that the image of the police, especially in cases that have no connection to state politics, has substantially improved. Moreover, gender dynamics within the police force have been improved. Besides the recruitment of young female officers, a number have been assigned strategic and sensitive duties. The police officers appear more elegant in newer uniforms — each officer has four pairs — with inscribed nametags and ranks, a development that makes police officers more responsible in the way they conduct themselves in line of duty.

That said official statistics show that the police numbers have grown from 3000 in 1986 to 14,000 in 2005 and about 43,668 at present. This puts the police: population ratio at 1: 709 and is targeted to grow to 65,000 officers so as to meet the United Nations recommended ratio of 1:500. The police establishment has also secured a cabinet decision to recruit 2,500 officers annually. The increase in police numbers has augmented police strength, visibility and penetrative ability of society. There is police presence even in areas such as northern Uganda and Karamoja (northeastern Uganda) that had over the years been affected by civil war and insurgencies—five or so years ago it was the military doing police duties in these areas. Under project 1107 Police enhancement of Peace and Recovery Development Plan (PRDP), the police continue to emphasize the restoration of police operations in these formerly conflict

93 For instance, the Officer in Charge (OC) of Station, the OC Traffic, OC CID, OC Child Protection Unit and OC Minor Crimes at Jinja road police station (Kampala) are all female.  
94 The total population of Uganda is estimated at 35 million.  
affected areas.\textsuperscript{97} In fact, the police force has since 2009 constructed police stations and barracks in over 20 districts.\textsuperscript{98}

The re-branding of the Uganda police has also attracted partnerships with private business enterprises, including the multinational communication company, Mobile Telecommunication Network (MTN). These companies have constructed several police posts, especially in and around Kampala city. The companies put their business logos on the police posts, a clear indicator that an association with Uganda’s police force of today is of business value.

As a strategy to improve crime information flow, police-populace relations and general awareness of citizens’ rights and obligations, the police adopted the philosophy of community policing. In 2010, the IGP, Gen. Kale Kayihura with a community in Muyenga, a Kampala suburb, established a community policing model popularly referred to as the “Muyenga Model.” This model gives communities greater voice in setting up local priorities vis-à-vis crime. Thus, the model is premised on collective understanding between the community and the police in the management of law and order.\textsuperscript{99} The model has now been extended to other parts of Uganda including Mbale and Jinja (eastern), Bushenyi (western), Gulu (northern) and Arua (northwestern). In these areas, the Community Policing Forums (CPF) in which citizens participate in policing activities have been established.\textsuperscript{100} To that end, the Professional Standards Unit (PSU) established in 2002 is presently functional across the country. The main focus of the PSU is to enable the public forward complaints over police misconduct. Though statistics were unavailable many police officers intimated that some of their “misbehaving”

\textsuperscript{97} Ibid, 126-7.
\textsuperscript{98} Northern Uganda, particularly Karamoja region has been the main beneficiary of the newly constructed police stations and barracks. For details visit www.upf.go.ug/index.php/23-latest-news/50-uganda-police-force-on-a-fast-positive-stride [Accessed on 20.02.14].
\textsuperscript{99} Through interviews and informal discussions several police officers explained the community policing philosophy to the author.
\textsuperscript{100} See FY 2013/2014 Ministry of Internal Affairs, \textit{Ministerial Policy Statement} 85.
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colleagues have been severely punished, including facing dismissal from the force, through this mechanism.

Commenting on the noticeable police force improvements, an opposition politician notes, “Besides police’s brutality and political partiality, especially in periods of demonstrations against government, the police has greatly improved. The response to crime is faster and handling of criminal cases is much better than a few years ago” (PLT14, 25.01.2012, Kampala, int.). A student at Uganda Martyrs University expresses a similar opinion during a focus group discussion, “though Police is on some occasions brutal, it has greatly improved in its response to crime and the city is now much safer… when one goes to police he is more assured of being helped unlike in the past. Police is more robust and more effective because soldiers never waste time.”

**Conclusion**

Two contrasting conclusions can be made about the Uganda police. From both conceptual and empirical perspectives, there are clear indicators that since the late 1990s the police force has been undergoing patterns of militarisation. This militarisation process has been engineered by President Museveni and his NRM government. Based on regime security rationality, the introduction of a number of both military personnel and tactics into the police force has reduced the ideological and functional gap between the police, the military and the ruling regime. Thus, the militarization process can be deconstructed in the context of political power rivalry at the macro-level of the Ugandan state. At this level (macro), the police force is in most cases highly partisan and used as a tool to fulfil the ruling party’s needs, especially when political stakes are high such as during political demonstrations and presidential election periods.

On the other hand however, after illustrating and posturing itself as the main centre of regime security, the police force has been able to attract more funding and attention from government. In turn, the increased
funding and state attention has enabled the police to improve the quality of the everyday policing expected of it. Outside the macro politics and on a day-to-day basis the police force seems to be performing better than before in enforcing law and order and, to some extent, its image has improved. However, as Heiner Hänggi (2005) would argue, even a functioning police that provides a secure environment but not embedded in a framework of democracy will still be considered deficient.\textsuperscript{101}

Needless to say, the insertion of the military subculture into the police is slowing down the democratisation process of the country. To prevent Uganda from sliding back to the political turmoil of the 1970s and 80s, this chapter proposes three symbiotic strategies. First, the police should embrace democratic policing that puts emphasis on transparency, accountability and representativeness.\textsuperscript{102} Second, based on extensive research, a number of scholars in the policing field (Tyler 2006; Reising and Lloyd 2009; Bradford et al 2013; Ben Bradford et al in press) have advanced that police forces can enhance citizens’ normative devotion to legal authority and lawful behavior by performing in accordance to the principles of procedural justice—fairness in the process of executing police duties.\textsuperscript{103} If implemented, the procedural justice model will facilitate the enhancement of police’s legitimacy in the hearts and minds of Ugandans, including voluntary compliance and cooperation with the force. Finally, the Uganda government should adopt the


United Nations security sector reform (SSR) paradigm by seeking to depart from the current emphasis on defending the incumbent regime’s power to focusing on guaranteeing security, including human rights of all Ugandans. Implementing SSR calls for the transformation of the security architecture which comprises all the actors, their roles, obligations and actions, so that it is administered in a manner consistent with democratic norms and sound principles of good governance, in turn, contributing to a well-functioning security framework.\textsuperscript{104} By their very nature the three strategies will de-militarise and de-politicise the Uganda police force.

PART TWO

Confronting Africa’s Economic Challenges
Economic Growth and Poverty Paradox: Re-examining the Claims of Africa’s “Unique” Experience

Onyukwu Onyukwu, Uzochukwu Amakom, Chikwuma Agu

Introduction

Available record show that an increased number of African economies have achieved mild to slightly strong economic growth performance in the last one to two decades and the outlook for the future is predicted bright given the increasing investor confidence in the continent\(^1\). Seven of the 10 fastest-growing economies of the past half-decade are in Africa\(^2\). Income per person according to the above report has in fact risen in sub-Saharan Africa over time; it has climbed by two thirds since 1998, to nearly $2,200 from just over $1,300. This average trend notwithstanding, the achievement of economic growth among countries in sub-Saharan Africa over the period remains uneven and mixed with several reversals. However, what is curious about the African growth record is its inability to generate decent jobs for the large army of unemployed youth, reduce poverty and social inequality among citizens. This apparent mismatch between the social reality experienced by the majority of the citizens and the excitement (mainly among state actors) of the resurgence of positive growth in the sub-region has become a subject of intense debate. While some authors have described this as the ‘unique’ African growth record, other social commentators have described it as a ‘paradox’\(^3\). The purpose of this chapter is to provide a

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critique to the perceptions that the above scenario is unique to Africa and a paradox. The discourse in the chapter situates well across several themes such as development strategy, economic growth, poverty reduction, democratization and the development of state capacity to create ‘Open Access’ societies.

In making a critique of the above dominant perceptions, the chapter provides a reconstructed perception that underscores the fact that the experience of extended periods of economic growth without generalized welfare gains for citizens and even intermittent occasions of growth reversals are not unique to Africa in development history and that while a growing economy may present opportunities for poverty reduction, the simultaneous existence of growth and poverty is not a paradox. They can co-exist and even for extended periods too. The economic growth process, by its nature is a socially biased process that rewards more than proportionately the resourceful, talented and hardworking. Also, even in the work place, it is often hard to establish sensible pay schemes that pay people as much or as little as they truly deserve. This may create situations where sometimes top management staff is grossly overpaid while some categories of other staff may be grossly underpaid. Thus, the economic growth process creates ‘winners’ and ‘losers’, and may heighten the social gaps between the rich and the poor. Deliberate policies and interventions would therefore be required to transmit the welfare gains from economic growth to wider segments of the population, particularly when the growth process is not broad based and driven by strong employment-generating sectors or generally speaking increasing returns to scale sectors. It is our contention, therefore, that it is the ‘quality of economic growth’ and the redistribution of the benefits

of growth, not necessarily growth itself that leads to the elimination of poverty and inequality.

Two competing development paradigms, namely, the tricke-down effect of economic growth paradigm and the immiserizing growth paradigm offer the conceptual frame under which the dominant arguments in this chapter have been provided. An author defines development paradigms as modalities to achieve development, based on either a codified set of activities and/or based on a vision regarding the functioning and evolution of a socio-economic system or simply put development recipes. Researchers and policy makers have at different periods been influenced by, subscribed to, recommended and pursued specific ways of achieving development as guided by certain development paradigms. An issue on which the two development paradigms offer opposing views is on the nature of the link between economic growth and poverty and inequality reduction. It would seem obvious that economic growth should reduce poverty and income inequality, yet the issue remains controversial, particularly when viewed from the two perspectives. While an author labels the contention that growth actually reduces poverty as the “trickle-down theory”, other authors regard situations where there is no development (i.e. generalized welfare gains) regardless of economic growth as nothing but “immiserizing growth”. In this wise, one would easily recall the popular assertion credited to Dudley Seers in Todaro when in his contribution to the conceptual clarification of the meaning of development, he posited thus:

“The questions to ask about a country’s development are: What has been happening to poverty? What has been happening to unemployment? What has been happening to inequality? If all three of these have declined from high levels, then beyond doubt this has been a period of development for the country concerned. If one or two of these central problems have been growing worse, especially if all three have, it would be strange to call the result “development” even if per capita income doubled.”

The chapter is divided into seven sections. The second section looks at the review of literature and anecdotal comments on Africa’s recent economic growth and poverty experience as unique and a paradox. Section three discusses the trickle-down-effect of economic growth paradigm and the mis-reading of Africa’s growth record. Section four is on the immiserizing growth perspective and the poverty-reduction outcome. Section five tries to answer the question, is Africa’s economic growth experience a downright exaggeration. This is followed by section six which discusses the requirements for simultaneous realisation of economic growth and poverty reduction in Africa and section seven the conclusion.

Review of Literature and Anecdotal Comments on Africa’s Recent Economic Growth and Poverty Experience as a Paradox and Unique

In other to catch up with the economic growth and development targets and aspirations, several African countries have passed through series of policy rules and regimes such as import substitution strategy, export-oriented policies, structural adjustment programs, privatization and commercialization, and most recently, liberalization policy among others. So far, these policies seem not to have produced the desired results in most African economies and hence forcing economists and analysts to start looking inwards for better explanations of the problems
and having a second look on the different economic growth theories and models as developed by different schools of thought.

A brief review of the economic growth models shows that while the classical model suggests that any increase in profits induces investment, which brings about increase in the stock of capital, the neoclassical growth model tries to explain long run economic growth looking at productivity gains, capital accumulation, population growth and technology. The neoclassical growth model therefore predicted that the income levels of poor countries will tend to converge towards the income levels of rich countries as long as they have similar characteristics such as savings rates\(^6\). The endogenous growth models or the knowledge-based growth models considered technology as vital because of its belief that growth is due to indefinite investment in human capital which has spillover effects on the economy and reduces the diminishing return to capital accumulation. Likewise the AK model normally referred to as the simplest endogenous model tries to justify the assumption that the production function does not exhibit diminishing returns to scale by attributing this to the positive spillovers from capital investment in the economy as a whole and improvements in technology leading to further improvements (i.e. learning-by-doing hypothesis)\(^7\).

Knowledge of the above growth models and the observed celebration of Africa’s growth performance in the last two decades raise some questions about what growth pattern or theory can the so called African growth miracle be attributed to. In the words of one of the Economics Noble Prize winner, six of the ten fastest-growing countries in the world in the first decade of the new millennium (2000-2010) were African

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Beyond State-Building

and Angola grew faster than anywhere else on the planet\(^8\). Such recent growth indices from African continent such as rising per capita income, reduction in inflation, reduced conflicts and increased political stability, increased integration with the rest of the world, higher infrastructure investment and private sector performance, among others are causing excitement and Africa is continuously regarded as the continent for the future by an analyst\(^9\).

These African growth indicators have polarized the discourse across the continent and the world at large. Some analysts or economists are of the opinion that Africa has neither moved from being commodity dependent of diversification nor are there strong indications that such transformations are underway. In fact, for instance maintains that some of this new prosperity is the result of better economic policies, but more is the consequence of a boom in commodity prices that has spurred investment in mining and drilling as well as in office towers, bridges and roads\(^10\).

To some analysts, the so-called impressive growth performances of resource-rich African countries may not entirely be good news\(^11\). This assertion is as a result of the fact that a more careful analysis of the performance of Africa still raises quite a number of fundamental questions. First, Africa’s improvement has, so far, been accompanied by a continued decrease in both Africa’s share of industrial production in the world and Africa’s share of industrial production in African output. Similarly, Africa’s growth has not seemed to be followed by increased job creation and/or poverty reduction and/or a reduction in the

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widening income inequality. As authors argue that given the structuralist argument that the concentration of production hinders the development of complete markets and institutions that are central to firms’ capacity to smoothen out the effects of shocks, it is easy to argue that production concentration and macroeconomic stability (or even growth) as observed in Africa are mutually incompatible\(^{12}\). Further review in that line suggests that many analysts seem to agree that Africa’s growth is still fragile and that the sort of economic transformation that naturally follow the growth numbers has not occurred in any African country. Telling evidence to such arguments is the fact that Africa still ranks low in the provisions of electrical power and clean water, transport networks and basic agricultural inputs that can boost regional trade and basic manufacturing, schooling and primary health care for all which should have been the expected outcome from the recorded growth indicators.

Can this situation be attributed to what is known as the “Resource curse” or the “paradox of plenty”, refers to the paradox that countries and regions with an abundance of natural resources, specifically point-source nonrenewable resources like minerals and fuels tend to have less economic growth and worse development outcomes than countries with fewer natural resources. A good analysis of petro dollar countries (petroleum-producing) seem to suggests disconnect between natural resource wealth and economic development even on the face of economic growth. According to findings from an author using data from 1965 to 1998, Gross National Product (GNP) per capita growth decreased on average by 1.3 percent for OPEC countries while the rest of the developing world experienced growth in per capita averaging 2.2 percent\(^{13}\).

In support of the above findings, some authors argue that financial flows from foreign aid can provoke effects that are similar to the resource

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curse\textsuperscript{14}. Economics and political science have developed large growth literature in trying to explain the resource curse paradox which may have some answers to the economic growth without a corresponding economic development under the three basic economic ingredients that go together with resource abundance and help to slow down growth and development. First is the fact that resource-rich countries tend to have strong currencies which impede other exports. Secondly, resource extraction often entails little job creation and so unemployment rises. Thirdly, volatile resource prices cause growth to be unstable, aided by international banks that rush in when commodity prices are high and rush out in the downturns (reflecting the time-honoured principle that bankers lend only to those who do not need their money).

With other reasons such as not pursuing sustainable growth strategies due to absence of reinvesting their resource wealth into productive investments or assets, resource-rich countries may actually become poorer even in a period of economic growth. Economics and political literature have also highlighted the fact that some resource rich countries suffer from political dysfunctional and worsen the problem with conflict over resource rents that boost corruption and undemocratic governments.

The above picture seems to depict the African situation because most of the countries driving African growth are countries with characteristics such as: large natural resource endowments (particularly mineral wealth); higher levels of government consumption than resource-poor countries; and commodity price increases that generate substantial but short-lived increases in government revenues. Nigeria, Equatorial Guinea, Sudan, etc. are typical examples of such countries in Africa that have embarked on substantial investment programs which were later abandoned when commodity prices fall.

It is also noteworthy that primary commodity exporters suffer declining terms of trade over the long run; commodity-dependent economies especially are prone to booms and bursts cycles which discourage private investment; and there are minimal linkages between the booming sector and the rest of the economy leading to the popular Dutch disease problem. The detrimental effect on other exporting sectors can be particularly relevant in the case of Africa. It can harm agricultural production, given that some produce may become much cheaper to import, and harm agricultural exports. And it may slow down or even reverse the development of the manufacturing sector.

**Trickle-down-effect of Economic Growth Paradigm and the Mis-reading of Africa’s Growth Record**

The perception that the co-existence of the ‘claimed’ achievement of positive economic growth by state actors in many African economies in the last one to two decades with no visible signs of improvement in the living standards of the citizens is a paradox and suggestive of manipulated growth records is essentially driven by the received wisdom from the ‘trickle-down effect theory of economic growth. To corroborate this view is this excerpt from Bill and Melinda Gates’ 2014 Annual Letter, P. 1:

“Several lines of evidence suggest that Africa has made remarkable progress. The fact is, incomes and other measures of human welfare are rising almost everywhere, including in Africa. You might think that such striking progress would be widely celebrated, and that people would rush to figure out what is working so well and do more of it. But they’re not, at least not in proportion to the progress. In fact, we’re struck by how few people think the world is improving, and by how many actually think the opposite—that it is getting worse. We believe this is partly because many people are in the grip of several myths—mistaken ideas that defy the facts.”
A renowned development economist labels the contention that growth actually reduces poverty as the “trickle-down theory.” The trickle-down effect theory of economic growth makes it seem obvious that economic growth or capital accumulation should always reduce poverty, if not in the short-term at least in the medium to long-term. It is the optimistic view that the benefits of increased economic growth will readily seep through the high-income groups to all lower-income sections of a society, and that the problems of unemployment and disparities in income-distribution will be automatically solved. These are in line with the views expressed in Norton (2002:275) that:

“The term “trickle-down” is a misnomer: growth actually entails a cascade, not a trickle. The quality of growth may be important, but growth itself is the surest way to reduce human deprivation around the world. The incomes of the poor are intimately linked to the incomes of the rich. The incomes of the poor rise more with increases in the incomes of the rich than vice versa.”

The dual economy analyses of structural transformation in the modernisation school of thought actually leads growth theorists to presume that a growing modern sector of an economy has the capacity to equilibrate the growth of labour force with employment provision in the long run. Thus, with high economic growth from the modern sector, persistent unemployment (particularly of skilled labour) will be a paradox in the medium to long term. With the engine of growth running strong and structural transformation taking place only transitory unemployment would remain over time, since growth is thought to be always employment generating and it is believed that all capitalist’s rent is re-invested. So, once the process of structural transformation has been initiated and economic growth is taking place, the benefits there from will trickle down (or cascade) and spread to all sectors and

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persons in the long term through continuous employment expansion. This is akin to what an author refers to as claims that cutting tax rates for the richest Americans will improve the standard of living for the working class\textsuperscript{16}. Supposedly, top-bracket tax breaks will result in more jobs being created, higher wages for the average worker, and an overall upturn in our economy. See the following for further details on the dual economy mode of analysis on economic growth\textsuperscript{17}. Other sources of strong influence on the trickle-down effect thinking on economic growth come from the capital bottleneck theories of economic development ably represented by the Harrod-Domar growth model, the Simon Kuznets inverted-U pattern of relationship between per capita income and inequality, and the Arthur Laffer curve on the relationship between government tax rates and revenue.

The Harrod-Domar growth model formalizes the argument that the principal ‘trick’ to the achievement of development is the mobilization of domestic and foreign savings in order to generate sufficient investment to accelerate economic growth\textsuperscript{18}. It provides a framework that illustrates the economic logic that more investment naturally leads to more economic growth and, that high and sustained economic growth naturally leads to development (meaning growth + general improvements in peoples wellbeing). Thus, underlying the Harrod-Domar growth theory is the assumption that the benefits from sustained growth trickles down to initially excluded populations over time. In his well-known article, Simon Kuznets found an inverted-U pattern between per capita income and inequality based on a cross-section of countries: as per capita income rises, inequality first worsens and then


improves\textsuperscript{19}. The major driving force was presumed to be structural change that occurred because of labour shifts from a poor and less productive traditional sector to a more productive and differentiated modern sector. This means that while at the initial stages of economic development, growth may heighten income inequality it is believed that at latter stages, sustained growth will automatically reverse such initial unintended outcome of economic growth. Underlying the trickle down effects paradigm of economic growth is the presumption that it is the investment of the wealthy class that grows the economy and they need to be given necessary incentives (including tax breaks or tax cuts) to continue playing the role of making investments. Arthur Laffer had used the construct of the Laffer’s curve to justify the trickle down economists thinking that taxing the wealthy less leads to increase in production and can as well lead to increased tax revenue for government. Using the Laffer’s curve one may argue that lowering ‘high’ tax rates increases not only government revenue, but also increases gross domestic product (GDP) growth and lowers the unemployment rate\textsuperscript{20}.

The trickle-down effect paradigm of economic growth has been largely criticized as being presumptuous and discredited by development realities over the years across countries and continents of the world\textsuperscript{21}. The trickling down of the gains from economic growth is presumed to be automatic once the structural transformation takes off and capitalists (investors or industry owners) are re-investing maximally from economic profits and rents (that is privileges and incentives offered by government to encourage investment). Expectedly, however leakages from the loop between capitalists’ profits and rents, and their re-investment short-


circuit the flow of employment generation. Perhaps, it was the thinking of the theory’s proponents that capitalists’ only interest in the economy was to invest and contribute to employment expansion. May be it was also thinking that the marginal contribution to employment provision of a unit of capital invested would remain the same across all activities in the modern sector and the drive for efficiency would not lead to labour-saving technologies and that there will be no economies of scale of operations.

The model of ‘redistribution with growth’ could be regarded as the culmination of the critique of the trickle-down hypothesis. The relationship among growth, inequality and poverty is complex and interdependent. The relationship between growth and poverty is a complex one, and is also determined by the level and changes in inequality. The experience of several countries, developed and less developed countries alike, show that the relationship between economic growth and poverty reduction is not simple and linear as suggested by the trickle-down effect paradigm.

This has led many Development Economists to conclude that the paradigm doesn’t just work despite its over-bearing influence on peoples’ thinking and countries’ economic policy design. Thus, the present African economic growth record is not a paradox neither is it a unique and isolated case in development experience. According to an author, overall, data from the past 50 years strongly refutes any arguments that cutting taxes for the richest Americans will improve the economic standing of the lower and middle classes or the nation as a whole. An


emerging consensus is that growth alone is a rather blunt tool for poverty reduction. In addition to the emphasis on economic growth, policies of redistribution of income and assets are also very important for poverty reduction. A policy agenda that addresses both distributional concerns and poverty reduction could lead to the enhancement of both economic growth and equity.

**The Immiserizing Growth Perspective and the Poverty Reduction Outcome**

It seems obvious that economic growth should reduce poverty, yet the issue remains controversial (Norton, 2002). The concept of immiserizing economic growth helps to underscore the fact that the nexus between positive economic growth and welfare improvement outcomes such as poverty reduction, whether in the short or in the long run, is not lined with automatic mechanisms that ensure that the two become Siamese twins. Or such that ensures that when one occurs and the other does not follow, it becomes an aberration or a paradox. While it may be logical to expect that economic growth would reduce poverty, it will certainly not be logical to imagine that the relationship is one-for-one or that of an unbreakable cord. Immiserizing growth arises when an increase in economic activity is associated with a fall in real living standards of a section of the population.26.

Some scholars have argued that economic growth does not eliminate poverty and may exacerbate the problems of the poor27. Two authors had also pointed to the fact that economic growth may not generate benefits in terms of numerous non-pecuniary measures of well-being28. Accordingly, in the less than idealized state of affairs, there is not

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even a “trickle” downward and thus, general economic progress may not “improve the levels of the very poor”. Indeed, some development economists had rightly contended that the “growth processes” typically “trickle-up” to the middle classes and “especially the very rich”29.

In one article, the economic growth effect on human development is viewed as a two-way relationship30. Moreover, the above authors suggested that the first chain consist of economic growth benefiting human development. With the increase in economic growth, families and individuals will likely increase expenditures with the increased in incomes, which leads to increase in human development and hence reduction in poverty.

In addition to increasing private incomes, economic growth also generates additional resources that can be used to improve social services (such as healthcare, safe drinking water etc...). By generating additional resources for social services, unequal income distribution will be limited as such social services are distributed equally across each community; benefiting each individual, thus, increasing living standards for the public.

As noted in an article, the relationship between human development and subsequently poverty reduction, and economic development can be summarized in three different explanations31. First, increase in average income leads to improvement in health and nutrition (known as Capability Expansion through Economic Growth). Second, it is believed that social outcomes can only be improved by reducing income poverty (known as Capability Expansion through Poverty Reduction). The third defines the improvement of social outcomes with essential

services such as education, health care, and clean drinking water known as Capability Expansion through Social Services.

With the above facts, some scholars have argued that economic growth may not be enough to have the desired effect on poverty and inequality depending on sufficiency (volume) and nature (whether extensive or intensive)\textsuperscript{32}. Extensive growth refers to the increase of overall wealth, while intensive growth refers to the increase of per capita wealth. Unlike extensive growth, intensive growth is mainly driven by productivity growth and technological progress. While economies in the pre-industrialization period grew extensively, intensive growth came with modern economic growth and countries or continents growing intensively have been seen to reduce poverty more than countries or continents that merely grow extensively. In Africa, for instance most high growing economies are being driven by one or two commodities exports and hence can be said to be growing extensively rather than intensively and because the human influence in terms of institutions are weak, it becomes difficult for the growth to trickle down to other sectors of the economy. Some societies have good institutions that encourage investment in machinery, human capital, and better technologies, and, consequently, these countries achieve economic prosperity\textsuperscript{33}. This situation is contrary to the actual situation in Africa with rule of law not in application; property rights nonexistent for the vast majority of the population; the elites with unlimited political and economic powers; and only a small fraction of citizens having access to education, credit, and production opportunities.

Also, dependency theorists argue that poor countries have sometimes experienced economic growth with little or no economic development; for instance, in cases where they have functioned mainly as resource-


providers to wealthy industrialised countries. There is an opposing argument, however, that growth causes development because some of the increase in income gets spent on human development such as education and health but the devil is in the details.

Poverty reduction largely depends on two factors. The first factor is the magnitude of the economic growth rate: the larger the growth rate, the greater the reduction of poverty. Growth is generally accompanied by changes in inequality; an increase in inequality reduces the impact of growth on poverty reduction. Thus, broad-based economic growth that restrains worsening inequality will not impact negatively on poverty reduction. The second factor is the extent to which income from growth is redistributed to poor populations. Redistributing income leads to an “acceleration” of poverty reduction for a given rate of economic growth, as increase in the elasticity of poverty reduction to growth associated with the redistributive process.

As mentioned earlier, economic growth alone is a blunt tool for poverty reduction. Not only is high and broad-based economic growth record required, transparent policies of redistribution of income and assets are also very important for poverty reduction. Thus, transparent, strong and broad-based distributional programmes must accompany Africa’s development efforts for poverty to assume a declining trend.

Is Africa’s Growth Experience a Downright Exaggeration?

Economic growth as measured by the Gross Domestic Product (GDP) in Africa grew fairly strongly at an average annual rate of 4.85 per cent from 1960-1975 with a per capita growth rate of 2.11 per cent for the same period [Authors’ calculation]. This growth in GDP was from more than half of the countries that make up the region implying significant contributions from substantial number of countries in the region. For the period 1976-1990, average annual growth rate dropped to 2.89 per cent

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for the continent with a further drop in per capita terms to 0.43 per cent confirming the claim of a possible extensive rather than an intensive form of growth. The period 1991-2005 experienced an upward average annual growth rate of 3.58 per cent with a corresponding 0.79 per cent in per capita terms while the period 2006-2012 showed a modest boost in 4.16 per cent in annual GDP growth rate with a 2.44 per cent growth in the corresponding GDP per capita. See figure 1 below for details of Africa growth rate for the period 1960-2012 [Authors’ calculation].

The evidence from figure 1 above have shown that after the period 1960-1975, the growth momentum in the continent could not be sustained in subsequent years, however, as the growth rate fell to as low as 2.89 per cent per annum during 1976-1990, a rate that was much smaller than the population growth of roughly 3.0 per cent. Hence, per capita GDP deteriorated by an average of over 2.0 per cent annually during this period. It was not until the latter part of the 1990s that Africa began to grow sufficiently to overcome population growth. As observed above, then, the problem of the overall African growth record is not necessarily a case of consistently dismal performance, but rather one of episodic growth.
The foregoing argument has shown that African countries have exhibited highly variable growth rates over the last five decades. The standard deviation of per worker GDP growth for a sample of 19 SSA countries with consistent data averaged 3.2 per cent over 1960–2000, which was the highest among all regions of the world\textsuperscript{35}. Further evidence from the above author has shown that the African growth record is the heterogeneity in the pattern across countries. Many economies that started as growth leaders in the 1960s had by 2000 become growth laggards (e.g., Côte d’Ivoire, Gabon, Kenya, South Africa, Togo, and Zambia. Conversely, several laggards in the earlier period became growth leaders as of the 1990s (e.g., Benin, Burkina Faso, Ghana, Senegal, and Sudan).

In contrast, one African country that has exhibited consistently high economic growth is Botswana. Its GDP growth averaged about 10 per cent annually over the entire period, and at least 5 per cent every decadal period. The record since the 1990s has been less than spectacular, though; this result might be attributable to a combination of poor terms of trade (TOT) performance and the high incidence of HIV/AIDS in the country during the more recent period\textsuperscript{36}.

In the recent times 2000-2012, because of a combination of various factors as outlined above the growth trend in Africa has not been able to produce the required effect in human development, industrial value added as well as the manufacturing value added as depicted in figure 2 below thereby leading to the debate and the question of whether African growth is real or not.

\textsuperscript{35} Fosu, A. K. Understanding the African Growth Record: the Importance of Policy Syndromes and Governance” UNU-WIDER Discussion Paper No. 2009/02

\textsuperscript{36} Fosu, A. K. Understanding the African Growth Record: the Importance of Policy Syndromes and Governance” UNU-WIDER Discussion Paper No. 2009/02
Requirements for Simultaneous Realisation of Economic Growth and Poverty Reduction

A very recent study by an African Institution has shown that commodity reliance is by no means a curse rather it is the reliance on natural commodities beyond the pre-take-off point that is detrimental and leads to perpetual poverty. This was compared to the analogy of Breastmilk which is nature’s most wonderful gift to a new baby but it is also generally accepted that after five years, that same gift can become problematic if the baby is still sustained by it – for either the baby’s growth is stalled or it will perpetually be underfed. The case should then be that relying on natural commodities at the point of take-off sounds alright. However, according to a research by an African Institution in 2014, it is managing a transition away from them at the earliest possible time that is critical because of the growth and poverty effects. In this direction therefore,

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38 African Heritage Institution, ‘Fragility, Diversity and the Paradox of Africa’s Growth:
the make-or-mar variable has to remain the macroeconomic policy environment and the diverse micro policies that support them as the continent manages the transition away from natural resources while maintaining the sterling growth it has acquired over the last couple of years.

Another crucial responsibility of the states in Africa in pushing development is financing the acquisition of “tacit knowledge”\(^3^9\). Industrialization seems impossible without the acquisition of this knowledge by the productive cadre of the economy. Knowledge which can be put down in writing is called “codified knowledge”. The lack of this “tacit knowledge” breeds inefficiency. Africa as a continent needs to combine the acquiring of “codified knowledge” with “tacit knowledge” to be able to break through the highly globalised world.

The next is the need for some form of stock taking and review of the globalisation channels and see how they affect Africa as a continent. For instance the issue of liberalizing an economy without having produced a class of entrepreneurs (capitalist) which is willing to take advantage of the accruing opportunities to invest by creating new small companies will not lead to growth. Studies from different authors have shown that “the basic knowledge of developing industries is what the developing countries of Africa lack”\(^4^0\). Critical capabilities must be in place for an economy to make reasonable impact in industrialization. This can be achieved through the financing of learning-by-doing because market competition does not “catch up” and this can work if there is obligation on the part of the working populace ensuring high levels of commitment.

In the words of an author, the development of independent, accountable and transparent institutions that can help the government manage

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the proceeds from natural resources is important\textsuperscript{41}. It is argued that establishing strong institutions prior to the exploitation of the resource is the safest way to avoid the curse. For instance, according to some authors, the relative healthy institutions in Botswana allowed the country to properly manage the mining of diamonds— a particularly successful initiative expropriated mining rights away from tribes and towards the state, cementing the common interest and fending off potential tribal problems\textsuperscript{42}.

Africa’s failure to develop (that is, achieve strong and sustained economic growth accompanied with generalised welfare gains for a large segment of her populations) should not be seen as the exception, but as the historical norm in development process. Africa’s growth trends since 1950—overall stagnation with periods of growth and decline—appear incredibly similar, both in terms of patterns and level, to those of pre-modern Europe\textsuperscript{43}. This is an affirmation of the position of this chapter that the uneven and weak economic growth record in Africa in the last fifty to sixty years of independence with persistent poverty is not unique to the continent in development history. It took European countries until the 1800s to exceed Africa’s current per capita output. Humanity all over the world, for the vast majority of its history, has experienced periods of growth followed by reversals which have limited impact on poverty reduction. It is also in this wise that it is logical to reason that the African continent has a lot to learn from the experience in other continents.

Europe’s escape from economic growth reversals, increasing poverty and social tensions can be largely attributed to institutional factors such as the introduction of democracy and the development state.

capacity for growth. For instance, constitutional reforms in Britain led to increased parliamentary control over the executive and a “credible commitment” to pay back public debts, which encouraged public and private investment and produced sustained growth. In the words of Broadberry and Gardner (2013:7)⁴⁴:

Europe’s wider economic “take-off” in the nineteenth century can be seen in a similar light. The creation of strong and stable states in nineteenth-century Europe enabled investment in canals and railways, which increased growth rates there. The development of professional civil services and judiciaries, where promotion was based on merit rather than corruption, also helped too. These types of reforms contributed towards creating “open access” societies where all groups of the population have equal opportunity to access state services, such as the courts system to enforce property rights.

Finally, the continued conflicts and lingering political uncertainty in many African states will a major risk to Africa’s economic growth and poverty reduction. The number of on-going conflicts and cases of political instability on the African continent remains high and constitutes a major risk to economic and social transformation in the countries of Africa. Contemporary African poverty is thus not only driven by issues of economic growth, redistribution and good governance but also largely by conflicts that displace citizens and separate them from their livelihoods as well as divert huge state resources into security emergencies.

**Conclusion**

The development challenge facing African is the challenge of achieving inclusive growth. This requires sustained accumulation and improved governance through expansion of democratic space and the

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development of state capacity to create ‘open access’ societies, and up scaling of transparent processes of income and assets redistribution. On the average there is indeed renewed momentum of economic growth in the African continent. This average trend notwithstanding, the achievement of economic growth among countries in Africa remains weak and uneven with several reversals.

Although the African economies, on the average, are on the positive economic growth path, they are not yet growing at rates required to be bring about sustainable reversal in poverty. Achieving inclusive growth in Africa requires that the African economies grow faster over the long term, that the growth is diversified towards sectors with increasing returns to scale like manufacturing and services, and remains non-inflationary in order to achieve progressive poverty reduction and employment creation.

African leaders must rise up and unite against terror and rights abuses in order to make the continent attractive to both domestic and foreign investments. Much of the continent’s experience of reversals of economic growth and social progress are attributable to incessant conflicts and social tensions.

Instability of whatever cause hurts investment, economic growth and social progress. Many countries in Africa currently face both internal and external security problems of significant scope that only a generalized commitment to peace and mutual respect in the continent will be sufficient to mitigate.

In order for Africa’s quest for inclusive growth to take root given the renewed momentum of economic growth in the continent, contemporary African leaders should take advantage of the fresh insights in this chapter to meet the threshold conditions met in Europe and other continents before take off into economic prosperity and social progress.

Policy makers should encourage both the expansion of the democratic space and the nurture of “state capacity” to create ‘open access’ societies.
Pro-poor policies, which boost economic aspirations like land reforms and equal opportunity legislations, should be championed as effective ways of sustaining Africa’s renewed growth experience and making the benefits there from improve peoples’ lives.
Changing Dynamics in Urbanization of Poverty and the Emerging Governance Challenges in Poverty Reduction in Kenya

Philomena Muiruri

Introduction

In Africa, high fertility rates and rural-urban migration are leading to an average urban population growth of 3.5% per year and between 2011 and 2050, the total urban population is expected to triple from 400 million to 1.2 billion and by 2035, over 50% of the population will live in urban areas.¹ The changing demographic structures are evident in China, which now has more people living in cities and towns than villages while in India, although about 70% of the population is rural, the urban population has grown faster than the rural population in the past decade. In Kenya, the 2009 census revealed that the percentage of Kenyans living in urban settlements will increase from 32% to 54% by 2030 with nearly 30 million people living in urban areas.² The reason being that every year some 250,000 Kenyans move to towns and cities and formerly rural areas are becoming increasingly urban. The growing urbanization presents new opportunities as there is a strong correlation between urbanization and economic development. For instance, the urban population generates over 65% of the national Gross Domestic Product with Nairobi alone employing 23% of Kenyans and generating 45% of the GDP. In contrast, agriculture employs nearly 70% of the population and contributes 29% of national GDP.³ According to the World Bank, urbanization has been a major force behind poverty reduction and progress towards other Millennium Development Goals. With over 80


percent of global goods and services produced in cities, countries with relatively higher levels of urbanization, such as China, and many others in East Asia and Latin America, have played a major role in lowering extreme poverty worldwide. In contrast, the two least urbanized regions, South Asia and Sub-Saharan Africa, have significantly higher rates of poverty and continue to lag behind on most MDGs.⁴ The report further notes that much poverty reduction comes from people moving to small towns and engaging in nonfarm activities. Off-farm jobs may be more readily accessible to the poor where unskilled and semi-skilled workers often make up the vast majority of the workforce, while semi-skilled and skilled workers dominate the workforce in the cities, as observed in Ethiopia and Uganda.⁵ The rural towns provide many opportunities for the poor as these towns mediate the flow of inputs, goods and services between rural hinterlands and larger urban centers and are seen as the most effective generators of nonfarm employment. Research in Senegal suggested that exit from poverty was easier for people in towns (60 per cent escaped over a 30-year period compared to 25 per cent in rural areas.⁶ A survey tracking more than 3,300 individuals from households in rural Kagera, Tanzania during 1994–2010 shows that about one in two individuals/households who exited poverty did so by transitioning from agriculture into the rural nonfarm economy in secondary towns⁷. Indications are that this follows because more of the poor find their way to the rural nonfarm economy in secondary towns than to distant cities.

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⁶ Haggblade, Steven, Peter Hazell, and Tom Reardon, Transforming the Rural Non-farm Economy: Opportunities and Threats in the Developing World (John Hopkins University Press: Baltimore, 2007)
⁷ Luc Christiaensen, Joachim De Weerdt, Yasuyuki Todo, Urbanization and Poverty Reduction – The Role of Rural Diversification and Secondary Towns (The World Bank Africa Region Office of the Chief Economist April 2013)
With the rapid urbanization, many developing countries are enjoying positive economic growth, yet urbanization has also led to increasing inequality, which has become a major social problem. A large majority of their populations are not benefitting from the new wealth as urbanization has failed to bring about inclusive growth which, in turn, has contributed to a proliferation of slums, poverty and rising income inequality. The rapid urban growth has been accompanied by increasing urbanization of poverty, yielding contrasting images of affluent neighborhoods and slum settlements. Urban poverty is characterized by not only inadequate incomes (and hence inadequate consumption of basic necessities) but also by inadequate asset base, shelter and provision of public infrastructure (for example, piped water, sanitation, drainage, and electricity, among others), as well as inadequate access to services such as health care, schools, vocational training, and protection of poorer groups’ rights. Compounding this are limited or non-existent social safety nets, voicelessness, and powerlessness within political systems, judicial institutions and bureaucratic structures. The World Bank reports that 70% of urban residents in African cities live on less than $2 per day with 62% of the urban population living in slums, often in overcrowded conditions, extremely vulnerable, with little access to services, water and sanitation, insecure tenure and informal housing. Large cities and smaller towns are fast becoming home to the world’s largest slums, with Asia home to 61%; Africa 25.5% and Latin America 13.4%. In Kenya, the population in slum areas now exceeds 3.9 million (5.2 million including areas with slum pockets) and will almost double to over 6 million in the next 15 years. (Greater) Nairobi alone has over 300 informal settlements, with a population of 1.75 million. Countrywide there are 1,882 such settlements with a population of 7.9 million. Between a third and half of the Kenya’s urban

population live in poverty, and given the pace of urbanization, urban poverty will represent almost half of the total poverty by 2020.\footnote{Oxfam GB, Urban poverty and vulnerability in Kenya. The urgent need for coordinated action to reduce urban poverty (2009).} Even where economies are growing faster than the population, slums in Africa are set to grow in number and size because the gap between rich and poor is increasing faster in towns than in rural areas.\footnote{Douglas Gollin & Remi Jedwab & Dietrich Vollrath, 2013. "Urbanization with and without Industrialization," Working Papers 2013-290-26, Department of Economics, University of Houston.} In terms of income there are still more rural than urban poor, but urban poverty is growing more rapidly and dramatically, as the poor in towns face more sources of vulnerability. The fundamental problem is that urbanization is not driven by economic growth; rather, it has become a widespread poverty-driven economic survival strategy.

While inequality is declining in Kenya’s rural areas, the gap between rich and poor is increasing faster in towns and cities evident in the high levels of urban food poverty and soaring income inequalities. Not only does this signify that the urban areas are becoming more unequal than rural areas in terms of income distribution but that, with a Gini coefficient value currently above 0.40, the country has exceeded the ‘international alert line-inequality threshold’, indicating conditions conducive to social unrest and conflict with negative implications for both human security and economic development. While equity and economic growth are mutually reinforcing, inequality is socially destabilizing, bad for growth, and its nature restricts the capabilities of marginalized groups to reduce poverty.\footnote{World Bank, Turning the tide in turbulent times. Making the most of Kenya’s demographic change and rapid urbanization. (Kenya Economic Update 63265, Edition No. 4: 20, 2011)}

Most of the policy discussion concerning global urbanization has focused on megacities where the unprecedented agglomerations create a whole host of new requirements and vulnerabilities that have to be addressed creatively and equitably. Yet, being too focused on this single issue may undermine emerging problems in small towns that are likely
to explode in the coming years and be a replica of similar challenges in poverty and inequality as the cities. Two thirds of the urban population and most of the urban poor, in developing countries are located in urban centres with less than 1 million inhabitants. For example, in India, there has been a huge increase in the number of urban centres, from 5,161 in 2001 to 7,935 in 2011, an increase of 54% that dwarfs the 32% growth in urban population.¹⁴ This has been driven by reclassification of settlements from rural to urban as they start showing higher population density (more than 1,000 persons per sq km) and as non-agricultural work becomes dominant. In Kenya, the number of urban centres has risen from 139 to 198 representing a 40% increase.¹⁵ These are mainly small towns having a population of between 5,000 and 80,000 and cover areas ranging from 5 km²-50 km². They are growing at a rate of 6-12% per annum due to three factors: the natural increase in population; rural-urban migration; and as settlements expand and become more densely populated, their reclassification from rural settlements to urban. The dynamic changes catalyzed by increased urbanization indicate that the smaller towns are growing more rapidly than the capital city.¹⁶ The small urban centres play an increasingly important role by serving as localized focal points of production, distribution, trade, services and livelihoods, and contribute towards the achievement of a geographically more balanced national urban development, stimulating the regional economies in the process. Yet, these towns are characterized by spontaneous growth and haphazard development. In Kenya only 30% of these towns are planned and even in the planned centers, informal development and slums continue to grow. Poor planning manifests itself in haphazard and chaotic location of industries, residential areas and commercial activities while poor development of the urban economies have led to high rates of unemployment, poverty and inequality. In

2012, a National Urban Development Policy was formulated, guided by the new constitution clause 184 and 176(2) to provide for the regulation of urban areas and cities and forms a critical guide to policy makers as they implement a devolved system. The policy focuses on supporting an urban system that equitably serves the country and addresses historically neglected regions. It seeks to reverse the marginalization of sub-national governments through decentralization and reforming local governance and financial systems as provided for by the new constitution.

This chapter, using a desk review and information from key informants, examines the changing urban spaces and the new approaches in urban governance emerging in Kenya. It seeks to increase understanding of the kinds of policy choices and governance frameworks that will enable smaller towns to manage and address the challenges of poverty, vulnerability and inequality.

**Challenges in the Growth and Development of Small Towns in Kenya.**

The chapter is conceptualized on the stated spatial aims of regional planning policies that assume that small towns contribute to regional and rural development in four main ways:

1. acting as centres of demand/markets for agricultural produce from their surrounding rural region, either for local consumers or as links to national and export markets;
2. acting as centres for the production and distribution of goods and services to their rural region including agricultural extension, health, education, government services, banking, services of professionals, lower-order services and wholesale and retail sales of manufactured goods;
3. centres for the growth and consolidation of non-farm activities and employment through the development of small and medium-size enterprises or through the relocation of branches of large private or parastatal enterprises;
4. attracting rural migrants from the surrounding region through demand for non-farm labour.  

**17 Cecilia Tacoli, The Role of Small and Intermediate Urban Centres and Market Towns and**
a major source of information and credit but are hampered by lack of transport infrastructure and storage facilities, and are often ignored by policy-makers. To cope with the rapid urban growth, there is need for essential infrastructure and services related to transportation, housing, water and sanitation as well as education and healthcare in order that these towns avoid becoming hubs of poverty and squalor.

From a historical pattern of urban primacy, Nairobi’s domination has for long prevented small and intermediate towns from growth and development. Investments and public resources have been mostly directed to the highly urbanized city, leaving the small towns with much less funds for development, contributing to a geographically uneven social and economic development in the country. In recent years, recognition has been given to the role of small and intermediate sized urban centres in regional development planning, partly the outcome of deliberate policy to promote more balanced growth and to reduce poverty in the city through deliberate allocation of decentralized rational functions to smaller towns.\textsuperscript{18} Some of Kenya’s smaller settlements are becoming more important as nodes of rural and regional development; as cores of administrative, service and trading functions; and as employment and income-generators. The role of small towns has further been boosted by the promulgation of the new constitution in 2010 that created 47 counties with each county expected to decentralize its functions and provision of its services in a devolved system of governance. Devolution has meant the transfer of responsibilities for services to these sub political units which are allowed to elect their own leaders, raise their own revenue, and have independent authorities with clear division of functions to make socio-political and economic decisions.\textsuperscript{19} Each of these counties has one or more small urban centers of varying size and significance.

\textsuperscript{18} Luc Christiaensen, Joachim De Weerdt, Yasuyuki Todo, Urbanization and Poverty Reduction –The Role of Rural Diversification and Secondary Towns (The World BankAfrica Region Office of the Chief Economist April 2013)

\textsuperscript{19} The County Government Act, 2012;
and which will now play an increasingly important role in county and national development. County headquarters are now experiencing fairly rapid-growing populations and with the associated increasing urban economic demands, are now gradually taking on more important roles in their respective county’s economic and spatial systems.

Yet, as governments functions devolve to the counties, various challenges exist within these long neglected towns. Kenya’s small towns tend to be unplanned and mostly have three land use patterns: a densely built-up core which often covers less than a square kilometer and the land is owned by the central government and/or the local authority; a belt of peri-urban settlements comprising housing, small-scale agriculture, scattered markets and shops; and a much wider outer zone used for agricultural purposes.

Economically, these small towns fulfill a crucial market and information function serving the rural hinterland and acting as an intermediary between rural areas and the larger cities. They are often the places where poor migrants first settle although with very little access to town services.

The main employment activities are in agriculture, public/administration service and retail business with an average wage of about $25 per month, mainly in the informal sector. With their fragile local economies, there are high levels of unemployment, a large percentage of low-income households, low levels of skills due to out-migration of skilled people and the existence of parallel formal and informal economies with few linkages.

These settlements have simply been growing unmonitored, with no proper provisions for essential services like all-weather roads, piped water, sanitation and waste disposal. Levies on goods and services form a source of revenue for the local authority; however, the economic structure of the towns is often weak and subsequently the taxable sources are limited and poor.
Hence, in addition to the huge challenges found in the large cities, there is an urgent need to deal with the rapidly growing smaller urban centres that exhibit the same problems, particularly, poverty and inequality.

The urban governance structures of these small towns are often poorly placed to respond to multiple challenges around service provision and poverty reduction. The governance of these towns has been through the Local Government Act (Cap 265) and its by-laws. This Act established in 1965, later revised in 1978, established local authorities to manage 175 designated urban centres categorized as city councils, municipal councils, county councils and town councils.

Internal organization of the local authority comprised two sections: the legislative arm comprising the councilors headed by a mayor and deals with policy formulation and recommendations of the same to the Ministry of Local Government for approval before implementation and the executive arm which is headed by the Town Clerk who is also head of the overall administration, responsible for the implementation of the policies formulated and day-to-day service delivery.

The local authorities worked through committees of elected and nominated councilors who formulated and implemented policies meant to be beneficial to resident’s social and economic development. However, under this Act, there was total centralization of power by the central government over the local government. The act bestowed too much power on the minister who in turn delegated the powers to the local authorities, leading to a shift of the decision-making process from the local to the central government.

This often led to undue influence by central government over local affairs, misuse of public funds, corrupt practices, management inefficiencies, lack of transparency in fund allocation by local authorities and central government alike, and challenges in the institutional and administrative organization.\textsuperscript{20} The local authorities experienced

\textsuperscript{20} Mboga H, Understanding the Local Government System in Kenya, (Citizens Handbook
constraints including lack of adequate financial resources and lack of authority to generate resources to offer services to residents under their jurisdiction. The towns were plagued by bad governance characterized by poor service delivery because of inadequate human resources; poor leadership and economic governance; limited investment in training and capacity building; low wages that encouraged corrupt practices and demotivated workers. This in turn led to lack of transparency and social accountability, corruption and high-handedness of public officers and lack of meaningful opportunities for the poor to participate actively in local decision-making processes which touch on their political and economic affairs. The result has been a haphazard growth of towns linked to poor physical planning, weak land and housing markets and environmental degradation often linked to poor service delivery.

To address these problems, the Kenya Local Government Reform Programme (LGRP) embarked on policy and legal framework changes aimed at decentralization and local authority empowerment in 2001. The aim was to bring decision-making closer to the people and therefore yield programmes and services that better addressed local needs and ensured that all stakeholders were involved in decision making. In 1998, the Local Authority Transfer Fund (LATF) was created as part of this reform strategy with the key objectives of: (a) enabling local authorities to improve and extend service delivery; (b) resolving municipal debts; and (c) improving local revenue mobilization, accountability and financial management. According to the Act, five percent of income tax was transferred to the 175 local authorities following a distribution system based on the previous year’s budget and the number of residents in the urban units. The funds were divided along three main lines: financial (for debt settlement), administrative (for payment of salaries), and technical (for various development projects).

The local authorities were expected to use the funds for developing their areas of jurisdiction with at least 50% of the funds directed...
towards access to basic services. Half of these funds were channeled through the Local Authorities Service Delivery Action Plan (LASDAP) that compelled local authorities to submit to the central government a plan identifying and defining local priority needs. The LGRP made civic engagement a precondition for accessing the LATF and this forced the local authorities to involve the citizens, but the process remained in its infancy, top-heavy, and mostly ‘informative’ rather than ‘consultative’. However, decentralization of responsibilities without an allocation of sufficient financial resources (or access to sufficient financial resources) did not allow for the full realization of the benefits of decentralization.

Adequate provision was not made to finance the devolved responsibilities and a clear imbalance still existed between demands and the existing administrative and financial capacities in the context of decentralization. Nevertheless, the process led to the launch of participatory initiatives that have recently begun to foster some degree of transparent and consultative budgeting now evident in Kenya’s new constitution. A devolved system of governance for urban centres has become a reality for Kenya since the enactment of the new constitution in 2010 and its implementation in 2013.

**The Urban Areas and Cities Act (2011) as a Model for Urban Development**

Kenya’s new constitution promises good governance that embraces the rule of law, human rights, responsiveness, consensus orientation, equity, effectiveness and efficiency.\(^\text{21}\) It assures that political, social and economic priorities are based on broad societal consensus and that the voices of the poorest and most vulnerable are heard in decision-making over the allocation of development resources.\(^\text{22}\) Article 184 (1) provides a national legislation for the governance and management of urban areas and cities and shall, in particular: (a) specify criteria and

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\(^\text{21}\) Transition to Devolved Government Act, 2012.
\(^\text{22}\) National Council for Law Reporting (Kenya), (2011)
Beyond State-Building

processes for classifying an area below the county level as either a city or urban area (i.e. municipality or town) (b) establish the principles of governance and management of urban areas and cities and (c) provide mechanisms for residents of cities and urban areas to participate in the governance process. This has allowed Parliament to enact laws that would be used for governance and management of urban areas and cities. The result is ‘The Urban Areas and Cities Act (2011)’, assented to on August 2011 and envisions the following:

a) It classifies urban areas into 3 types largely in terms of population, and minimally in terms of capacity: cities will have populations in excess of 250,000 persons; municipalities with a population of 75,000 to 249,999, and towns with populations from 10,000 to 74,999. Nairobi and Mombasa will be run as city counties. All other urban areas will be run and managed either by 116 unincorporated town committees (covering urban areas of between 10,000 and 250,000 people) or directly by the county. This is a shift from the previous dispensation when a population cluster with a density of 2000 persons was considered an urban settlement.

b) It has repealed the Local Government Act (Cap 265) that previously governed local authorities. Instead it establishes boards and committees to manage the urban areas: cities and municipalities will be managed by city and municipal boards respectively and towns by committees. The boards and committees will be constituted by the county government and mandated to govern the running of the urban areas. These boards will be corporate bodies and have powers to legislate by-laws within their area of operation, oversee the affairs of the urban areas, formulate and implement the decisions and functions of the respective boards and committees, among other functions, as expressed in section 20(1). The development of a coherent system of local governance by the boards entails: establishing appropriate mechanisms, processes and procedures for the receipt, processing and consideration of petitions and complaints lodged by residents;
for notification and public comment; notification of public meetings and hearings organized by a board; for consultative sessions with locally recognized resident organizations; and for report back to the residents. The board is obligated to take into account the special needs of people who cannot read or write, with disabilities, gender and other disadvantaged and minority groups.

c) It requires that urban areas must operate in accordance with a prepared integrated development plan which will be the blue print for development and operation within the urban areas. This step cements urban planning in the urban areas, a move that is likely to spur more organized growth and better urban areas to live in. Under the previous dispensation, the integrated development plans were not mandatory.

d) It provides a legislative framework for the participation of residents in the governance of urban areas and cities by institutionalizing public participation in the running and management of urban areas and establishing a public place where the citizens will express their views about the management of their urban areas and their access to pertinent information. This is a break from the past where the participation of the public was not required in the management of urban areas.

e) Requires that the urban areas considered for conferment of various statues have the capacity to effectively deliver essential services adequately to the residents.

f) Urban areas must be in a position to provide infrastructural facilities in their area of operation including; roads, street lighting, parking, markets, fire stations and facilities for disaster management. The act also expressly requires that such urban areas have the capacity for a functional and effective waste disposal system.

g) The act requires that the urban areas must show capacity to generate and collect revenue that is able to sustain the operations of the area, that is, towns must demonstrate functional and economic viability.
h) The municipalities and towns must have sufficient space for their future growth. Previous legislations paid little heed to the need for future expansion land.

**Strengths in the New Framework of Governance and Management Towns in Relation to Poverty Alleviation**

The Urban Areas and Cities Act (2011)\textsuperscript{23} has positive measures on planning, service delivery and resident engagement in policies and plans at the city, municipal and town levels. Further still, the Bill of Rights clearly provides for respect, protection and fulfillment of human rights for all citizens regardless of their place of residence, ethnic origin, gender or any other status.

It safeguards the right to food, health, education, housing, water and sanitation, and a clean environment. Extensive land reforms also stipulated in the new constitution speaks of pro-poor land management and integrated urban planning that combines physical, social, economic and environmental planning. This will reverse slum formation and maximize the potential for economic and social development for the urban poor majority.

The Constitution and Act clearly give room for tackling the challenges of poverty and inequality in towns and cities. Previously, the highly centralized government has historically been reluctant to acknowledge the full scale of urbanization and urban poverty in the country.

The urbanization of poverty in the small towns is an indication that there were gaps between the livelihood requirement and existing policies. These gaps pertained to lack of policies that addressed the assets and vulnerabilities of the poor and the differential status of households in different towns. Efforts to reform governance itself made little progress, and poor governance remained a huge obstacle to effective poverty reduction.

\textsuperscript{23} The Urban Areas and Cities Act, 2012
It is argued that poor governance is the leading cause of urban poverty in most developing countries. Urban poverty is not primarily a function of urban expansion or a sign of the failure of urban economies, it relates to systemic institutional failures that perpetuate social exclusion and inequalities between the urban poor and rich. When the distance between government and the governed is too wide, abuse of power and resources is a likely outcome and a breeding ground for poverty, squalor and slums. The act now provides for the poor to claim their inalienable right to exist within urban areas, to access basic services and participate in governance.

A direct influence that local governments have on poverty and vulnerability is through the extent of their provision of water, sanitation, drainage, solid waste collection, public health and housing construction and improvement. Hence, improvement of services and housing for informal settlements residents cannot be divorced from overall poverty alleviation, social and political inclusion, decentralized governance and local level democracy.

The act spells out an objective manner for the classification of urban areas and cities below the county-level that have urban characteristics of development, service delivery, and population. Non-urban areas are those areas below the county level not classified as a city or urban area and include three decentralized units: sub-county; ward, and village.

This will do away with the political oriented ways that urban areas have been earlier categorized. Management of the urban areas by boards and committees will also ensure that the task is handled by qualified and competent professionals as opposed to the previous shift where politicians were the managers of urban areas.


The preparation of integrated development plans for all the urban areas will go a long way in ensuring that these areas are well planned and grow in an orderly manner as opposed to the current state where the urban areas have been operating *ad hoc*. The urban areas will thus be planned places and not extended urban villages, hence ensuring safe, conducive, healthy working and living places for the urban dwellers. The act recognizes the need to involve the public in decision making and preparation of plans relating to their urban areas and considering their input. Section 22 of the Act establishes the concept of citizen fora.

These are not limited to physical spaces for citizen engagement; instead, they are opportunities for citizens to deliberate and make proposals on policies and plans for their locality, plan strategies for engaging various levels and units of government on matters of concern, monitor activities of officials and receive feedback from officials on issues raised by county citizens. This will be a move from the previous dispensation where there was minimal public consultation as residents hardly engaged in decision making and were unable to hold their leaders to account.

Article 176(2) of the Constitution states: “Every county government shall decentralize its functions and provision of its services to the extent that it is efficient and practicable to do so.” This means that county governments, as much as it is possible, should transfer governance and service delivery responsibilities to smaller governing units below the county level.

This will bring the government administrative functions and service delivery closer to the people, particularly the marginalized in the sub-counties, wards, cities, municipalities, towns, and villages. Each unit has a specific governance structure and fit into a classification as an urban or non-urban area. Meanwhile, investors are expected to spread their wealth across the counties further strengthening the process of urbanization.
Limitations in the New Governance Framework

Urban areas that are not large enough to meet the required population threshold specified, though they previously had a status in the urban areas of their county’s will now be left out in the new hierarchy.

The implication is that majority of the poor residents may not benefit from new urban management structures. From the classification as provided in the act, 38 former municipal councils will be downgraded to townships, 36 formerly unclassified urban centres will qualify for classification as townships while two former municipal councils, Karatina and Othaya, and one town council, Wote, will be declassified.

This declassification means that former towns having been left out will affect their management as they are not under boards or committees. Further, the act provides for the management of urban areas but overlooks the rural areas which are a key component in the survival of urban areas. This procedure destabilizes the existing order of urban areas and will create more rural areas by denying the previous smaller towns any space in the urban realm.

Hence, without an accompanying act to guide growth and management of non-urban areas, it will cause havoc in these areas, either prompting more development to achieve the urban status or lead to rural counties. Further, most urban areas will not have corporate bodies to manage urban service delivery with the new classification.

Corporate bodies are able to legally procure services and collect taxes enabling them, for example, to enter into contracts for garbage collection and the management of solid waste. It is also worth noting that only the municipalities and cities have the power to borrow funds for development in their respective areas. Consequently poverty alleviation strategies based on service provision, inclusion and participation maybe compromised.

The act effectively re-centralises responsibility for urban functions to county governments, breaking the tradition of semi-autonomous local
government. There is a risk that the new arrangements will not provide the same quality of urban service delivery with the disbandment of local authorities.

County assemblies are biased towards rural residents where most voters are located and urban residents who generate most of the counties’ own revenues may see less reinvested in urban services and infrastructure. Indeed, as county governments take over the governance of towns, the governors are laying emphasize on activities such as revitalization of agriculture, tourism and education in their respective counties, while urban development appears to be least of the priorities.

Yet, these small towns have shown to be capable of attracting noteworthy private sector economic activity through industrial and commercial developments if public investments and infrastructural investments are in place. Towns will be able to realize their potential to absorb a new wave of ruralmigrants if they can offer adequate job opportunities and well-developed infrastructure to support a better living standard.

The act stipulates that the members of the boards and committees are to be appointed by the governor with ratification by the county assembly. Many accusations have already emerged over recruitment practices that are far from transparent but based on ethnicity, nepotism and political patronage and may give rise to a situation where the managers are not representatives of the urban areas welfare but the governor’s puppets.

While the act expresses the need for public participation in the management of the urban areas, it falls short of guaranteeing this fundamental right as it does not expressly quantify the extent of participation. This can be abused by having a mere brief consultation taken as participation thus watering down the spirit of this provision. Urban poverty reduction policies and strategies have to be based on needs, capabilities and activities of the urban poor for effective achievements and have to address the differential situations the poor face in different towns, hence the need for effective public participation. Transparency may also be compromised because the act appears to provide access
to information yet a lot of discretion is given to the board. In addition, there is no requirement on the town committee to publish or publicize important information within its mandate.

The Current Situation in the Small Towns

Since the March 2013 general elections, much progress has been made towards enactment of the devolved government, although the process has been beset by many challenges. The process of devolution has several implementing agencies apart from the governors and their respective county governments. Indeed, the central government is largely in charge of devolution but other bodies with powers are the Commission for Revenue Allocation (CRA), the Transitional Authority (TA) as well as the Commission for Implementation of the Constitution (CIC).

This has occasioned misunderstandings as each institution exercises its powers, an indication of the difficulties that lie ahead as the country seeks to implement the new constitution whose interpretation is not always certain among the different stakeholders. Under the constitution, the systems of checks and balances is well established and the limit of each organ will eventually be established since all these organs must work together to ensure efficient implementation of devolution.

A reigning conflict is whether the senate (legislature) has oversight powers over the governors, a bone of contention between the two organs that are in danger of derailing the devolvement process. For instance, the senate impeached the Embu county governor by after finding him guilty of violating the Public Procurement and Disposal Act (2011), the Public Finance Management Act (2012) and the Constitution (2010).

Other governors from Kericho, Mombasa, Baringo, among others, have been summoned to the senate which in turn has worsened the relationship between the judiciary, the legislature and the executive. Misunderstandings and disagreements have been witnessed at the

See Daily Nation, 23rd February 2014.
county assemblies between the Members of County Assembly (MCAs) and the Governors over recruitment, corruption and political party differences.

There is fear from Kenyans that corruption may be devolved from the central government to the county government level and consequently, there must be accountability mechanisms through which Governors are closely monitored as they carry out their mandate. The Auditor-General report for 2013 has already raised serious issues in financial management by most of the county governments for example, in Machakos, Kisumu, Isiolo, Embu, citing misappropriation of funds, questioning expenditures, fictitious unnecessary foreign trips, overpayment of allowances, unaccounted for imprests and flouting of procurement procedures, among others.

The Constitution has increased public awareness on their rights which has led to numerous demonstrations over decisions made in the county governments without public consultation. One reason could be that the process of devolution faces a challenge of information deficit, hence lack of a structured engagement between the county governments, relevant stakeholders as well as the citizens. Towns rely to a greater extent on allocation from the central government than on own fiscal revenue, and the county governments are under pressure to mobilize extra-budget resources for the delivery of infrastructure investments and public services. Hence, as county governments embark on making and implementing policies to raise taxes in order to improve services, this has not gone down well with the citizens from the following media reports:

**Traders Protest Against Rise In Levies**

*Sunday 23rd February, 2014  The Daily Nation*

*Muhoroni residents demonstrate over poor sanitation and increased levies. A local independent dealer is required to pay a minimum of $117 to be allowed to set up business while a multinational dealer*
will pay double the amount. Rent for houses owned by the former municipal council has been raised from $30 to as high as $120. Traders in Bungoma County have protested at the high fees being charged by the county government. According to the Finance Bill that has been enacted by the county government, an application fee for a single business permit is $12 while renewal costs $6. The county government charges $6 for registration of all motorbikes and taxis operating in the area. Slaughterhouse charges are $3 per cow, $1.7 per sheep or goat and $0.2 per chicken. Daily market fees for those who roast maize is $0.4, $0.6 for those who fry fish on roadsides and $0.2 for those who repair shoes. The burial fee in the county is $3.5 per destitute body, $18 adult and $6 per child. The monthly charge for sand stacking is $35 while an annual license costs $120. The traders said despite paying a lot of money in taxes, good roads, proper drainage and timely garbage collection, and security are still lacking. The chairman of the Chamber of Commerce and Industry in the county, Mr Herman Kasili, said the cost of rent for business premises in the town had doubled since the county government came into force.

**Kenyan Pastors Protest Pay-to-Preach Laws**

2/20/2014 The Star Newspaper

Hundreds of pastors in Central Kenya confronted a county governor last week to protest against a new bill that could see clergy charged for preaching outside of their churches. The pastors, who say they represent as many as 1,200 churches within Nyeri County, marched to the governor’s office on February 12 to protest against the Nyeri County Finance Bill, which includes a section on charging preachers for speaking in public. The bill states that clergy must pay $120 per day to preach inside a stadium, $93 outside a stadium and $58 in rural areas. Similar proposals were made in Busia County in Western Kenya, but the bill was dropped after protests from clergy.
Businessmen and Civilians Protest Against New Levies Charged by Respective County Government

Kenya News Agency, February 14 2014

Chaos and protests rocked several parts of the country today as businessmen and civilians alike protested against new levies charged by respective county governments. In Mombasa police lobbed tear gas and wielded batons, in running battles with hawkers who are opposed to new levies as well as plans to relocate them from the city Centre. In Murang’a and Limuru businesses were closed down, while in Machakos governor Dr. Alfred Mutua found his newly-signed finance act challenged in court.

Daily Activities In Meru Town Paralyzed

Monday, February 24, 2014 Kenya News Agency

Business came to a standstill in Meru Town and its environs after enraged businessmen staged a demonstration to protest against the demolition of kiosks by the county government. The demonstrators comprising mainly kiosk owners took to the streets barricading all the roads leading to the town forcing travelers to walk for several kilometers to the town. Shops and other public service premises were hurriedly closed down for fear of looting. Two people among them a journalist allegedly sustained gun shots from stray bullets as police dispersed the enraged crowd chanting slogans against Governor Peter Munya...

Participation in local governance in the urban areas requires that its real objectives are clarified, there is clear political commitment to it (and to the necessary changes in power relations) and that it is linked to local planning and development. Inadequate allocation of revenue to the county governments has emerged as a challenge with the county governments raising concern that the budgetary allocation to the counties is inadequate for full implementation of devolution. Some County Governors feel that all county functions should be transferred to the county governments at once when in reality, the county governments
currently don’t have the capacity to absorb all functions. Indeed, a major challenge emerging is too much politicization of the devolution process pitting the county governments versus the central government. Yet, it is known that the devolution process is not a one stop shop, but a process, that should take up to 3 years for it to be successful. The process of transforming a central government into 47 decentralized one is a huge task and despite high expectations that services would improve at the county level, in particular the towns, time is needed as the various challenges are tackled in order for the devolution process to work. Decentralization models indicate that devolution is only effective where sufficient time is taken to build local capacity for broad participation and improve accountability mechanisms as this will facilitate empowerment and encourage creative local solutions.

Conclusion

The new Constitution of Kenya (2010) opens a new page in governance, placing the people at the center of national democracy, with full recognition of human rights fully embedded in the constitution. It provides for better governance which is key to a broad range of developmental goals, including greater equity, greater justice, the protection of human rights and of key natural resources, and the achievement of greater democracy. Yet, these require financial resources, capacity, legitimacy and time, to develop a process that responds to the needs and priorities of different groups in different locations. County governments represent the lynchpin of devolved system of government, hence the importance of small towns within them as they play an influential role in reducing rural-urban immigration, provide balanced distribution of population, facilities, and capital by creating off-farm jobs and providing required services. Urban areas are the engines of Kenya’s economic growth, providing essential services that have spillover benefits for people in rural areas.

The economic importance of urban areas is only going to increase in future and as Kenya’s economy becomes more service oriented, and
less dominated by agricultural production, growth will be even more dependent on good urban management. Urban areas will only attract investment if they are well-run and provide stable and reliable delivery of basic urban services.\(^\text{27}\)

Through the enactment and implementation of the devolved government law and other laws operationalizing the constitution at county and national level, it is envisaged that Kenyans are being accorded an opportunity to positively engage with public bodies to ensure effective delivery of services. Active citizen participation in all spheres of governance is expected to enhance economic development from the lower units of governance, equitable sharing of resources and better protection of previously disadvantaged groups.

The administrators are expected to be non-partisan qualified personnel with relevant experience necessary for undertaking the assigned service delivery tasks. The proposed hybrid system of governance in urban areas is expected to enhance governance by allowing stakeholders to participate in the governance of urban areas and cities, with high potential for effective and efficient service delivery.

In a country that treats rural and urban based municipalities in the same way, the challenge for the future and within a devolved governance structure is to plan sustainable economic and social growth for the Kenya’s urban areas with regard to their unique potentials to maximize local economies and development gains. The future of Kenya is urban and hence the need to ensure a better and smarter urban nation.

**Recommendations**

The following recommendations are made:

i) Projects that improve access to clean water and sanitation,
and boost people’s income, are most urgently needed in the small towns. Growth-stimulating investments inevitably catalyse larger processes of economic development, which raise property values, attract capital investment, create high quality jobs and increase asset and revenue tax base of towns.

ii) The towns must implement micro and small scale enterprise development, integrated housing programme and provision of the land to address livelihood requirements pertaining to employment and housing needs.

iii) Politicians need to reduce the disproportionate focus on rural areas by increasing efforts to improve living conditions in urban centres. International donors, Non-governmental Organizations (NGOs) and Community Based Organizations (CBOs) who have tended to focus exclusively on rural poverty, also need to recognize the scale of urban poverty.

iv) There is an urgent need to develop a civic education programme on devolution that will help in dissemination of information particularly to the public at large.

v) Use of social media for advocacy, collaboration and public participation where the town managers and citizens can communicate, socialize and ensure a citizen driven agenda on matters affecting the town.

vi) County governments should strengthen the attractiveness of the small towns through enhanced services and, as an extension, attract populations to these smaller settlements. This includes building capacity among its boards to deliver and facilitate adequate housing, livelihoods and services for spiralling numbers of poor urban dwellers.
vii) Policies pertaining to enhancing households’ asset, local economic development, home-based activities, causal activities, housing affordability, urban safety nets and overcoming city level institutional capacity should be addressed as key areas for policy intervention that address the livelihood of the poor and reduce urban poverty.
Inclusive Social Policy and the Promise of FDI in Africa: Human Security Imperatives

Oluyomi Ola-David & Oyebanke Oyelaran-Oyeyinka

Introduction

The global economic crisis and the ensuing job and financial predicament resulted amongst other things in phenomenal declines in the volume of multilateral and bilateral development aid to developing countries. This has amplified the role of foreign direct investment (FDI) as a source of development capital and intensified competition to attract FDI in order to augment local efforts at improving productive capacities.¹ Current debates centre on creating an enabling environment in terms of legal, regulatory and political institutions, which would serve to provide transparency, protection and stability to foreign investors and investment.² Further, on-going discussions on the Post-2015 development framework bring to fore socio-economic and environmental sustainability dimensions of inclusive growth.³

In as much as FDI holds the promise of positive externalities, there is the tendency that FDI may induce negative externalities that could cause pervasive damage to the development prospects of the host country, thus resulting in fundamental economic insecurities and distortions.⁴ In light of the foregoing, it is crucial that recipient country authorities

equally focus on building the right institutions to foster inclusive growth with sustainable development. This chapter underscores the essence of national social protection policies in promoting investments that further the objectives of poverty reduction, as well as social inclusion. It seeks to provide answers and directions to the following questions: What are the contrasting impacts of FDI in the presence of strong social policy and when social protection is absent? What constitutes the best institutional framework for negotiating and cooperating with multinational corporations (MNCs) in order to ensure their presence promotes inclusive and sustainable growth?

The analytical construct for this chapter is based on an institutions framework and seeks to establish the role of socio-political institutions in attracting FDI while promoting social welfare. The study draws on a sample of African countries from the World Bank’s Country Policy and Institutional Assessment dataset, which captures quality of policy performance of public sector institutions and policies for social inclusion inter alia. This data is complemented with relevant variables on FDI Performance and Potential, multidimensional poverty indicators, as well as the cases of Nigeria’s Niger-Delta region and Mauritius to show the negative and positive impacts FDI can have in the absence and presence of inclusive social policies. We find that though many African countries have low-FDI potentials, resource rich countries are attracting high levels of FDI. However, high FDI inflows are not necessarily commensurate with better living standards and in some cases, FDI has been accompanied by inequalities, low human development indicators, as well as social and environmental costs. We recommend that host countries develop inclusive social policies and institutions to protect the poor and vulnerable and spread the benefits of FDI so that it is profitable to all.

In what follows we discuss various empirical and theoretical issues in relation to FDI, institutions and social policy in Africa. We present lessons from some country-specific cases and conclude with policy
implications and a road map for maximizing the promise of FDI in Africa. While we acknowledge the existence of different types of security, this chapter looks particularly at human security issues as it relates to poverty and inequality.

**Theoretical and Empirical Issues**

The African market is one that has been attracting attention from investors seeking to profit from the emergence of a new class of African consumers. For instance, the vibrancy of the African equity market is evident in the rate at which investors have gravitated to the sub-Saharan region causing a Gross Domestic Product (GDP) growth rate of over 5 per cent in the past three years. In fact FDI in Africa has reached an estimated US$54 billion in 2012. Further, six African countries – Angola, Nigeria, Ethiopia, Chad, Mozambique and Rwanda – were counted amongst the world’s fastest growing economies from 2001 to 2010. Although the frontier markets of sub-Saharan Africa is a magnet for cross-border portfolio investments, FDI is more desirable as it holds more lasting interests to the host economy than portfolio investments.

Even though African countries have experienced improvement in economic growth, human development indicators, poverty, unemployment and inequality have worsened, giving cause for great concern. For example, growth rate on the continent from 2002 to 2008 averaged 5.6 per cent, fell to 2.2 per cent in 2000 due to a rise in food and fuel prices, as well as the global financial crisis. However, average growth rate rose to 4.6 per cent in 2010, and was at 5 per cent in 2012.

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Unfortunately, this growth is still largely driven and characterized by a heavy dependence on the production and export of commodities, few backward and forward linkages, local industries that add little value, and no economic diversification.\(^9\)

The fact that economic development in Africa is not being led by structural changes and deepening manufacturing means it has been lacking in bringing about employment growth and overall improvement in human and social development. The impressive economic performance on the continent has not resulted in generating the much-needed jobs and income to curb high unemployment levels (including rising youth unemployment) and poverty.\(^{10}\) Furthermore, while there have been achievements in certain areas including education, child and maternal mortality rates, and gender equality, the pace of change is still too slow, making it unlikely for African countries to attain social development goals, such as the Millennium Development Goals before the 2015 end date. The continent continues to lag behind the East Asian countries that have been able to lift a significant number of their citizens out of poverty through labour-intensive industries. African countries therefore need policies that would stimulate economic transformation and industrialization;\(^{11}\) albeit paying great attention to the quality, sustainability and spread of the growth to ensure that it is pro-poor.\(^{12}\)

It is within this milieu that institutions that would maximize the benefits of FDI become even more important. Stakeholders are pondering how to translate the favourable growth experiences to a reduction in the prevalence of poverty on the continent – the major reason for the Doha

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9 ibid.,
Declaration. The 2001 Doha World Trade Organizations’ Ministerial Declaration explicitly stated that:

“[i]nternational trade can play a major role in the promotion of economic development and the alleviation of poverty. We recognize the need for all our peoples to benefit from the increased opportunities and welfare gains that the multilateral trading system generates.”

How are African governments delivering on the terms set by this declaration? How has FDI helped to contribute to improved human security in recipient countries? Human security is here conceptualized as a concern about “human life and dignity” which can be threatened by economic, food, health, environmental, personal, community and political insecurities. A FDI growth analysis by Lumbila shows that attracting FDI may be necessary but not sufficient for improving human security on the continent. Similarly, Oduro situates the rationale for providing social protection in that “growth may be necessary, but not sufficient, for poverty reduction.” We therefore argue that certain social policy institutions have to be put in place to maximize the FDI benefits.

What are the benefits of FDI that make it so attractive for Africa? Empirical research findings acknowledge that FDI has played an important role in the economic development of host countries.

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Significantly, Stewart noted that FDI is a plus to the domestic economy as it supplies capital, stimulates economic diversification, induces exports, transfers technology, trains domestic labour, increases tax revenue to the host country government and expands employment opportunities.\(^{18}\) FDI inflows contribute to physical capital accumulation, boost domestic employment, and may increase domestic competition, particularly in the short run.

Similarly, it is argued that FDI can positively affect domestic industries and firms, where positive spillovers exist. This argument is based on the account that the technological superiority of foreign firms may inevitably benefit their local counterparts, through backward and forward linkages, labour mobility, or a demonstration effect.\(^{19}\) Furthermore, the transfer of technical knowledge and business skills may lead to ripples of productivity gains in the operations and output of domestic firms,\(^{20}\) while the theoretical literature alludes to the role of FDI in the process of technology transfer.

On the other hand, anti-FDI proponents argue that FDI can be exploitative and have potential negative spillovers to the host economy. Advocates of this view hold that FDI is merely a tool of international exploitation for multinational enterprises (MNEs); highlighting that they simply take advantage of the access to cheap labour and natural resources that being in the developing country presents. Notably, MNEs turn over their benefits from the pricing of imports and exports, thus creating adverse local welfare conditions.\(^{21}\) Some authors hold that

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\(^{21}\) See literature survey in Don P Clark and others, ‘FDI, Technology Spillovers, Growth and
most MNEs do little or no research and development activity in the host countries, but rather draw from the technical outputs of their home country base or affiliates across the developed world. Obviously, since the primary aim of making a foreign investment is profit making, MNEs may not be particularly interested in creating or transferring knowledge to the host economies if not mandated. The production mix of MNEs also determine to what extent positive gains can be garnered from their presence in the domestic economy; in this respect, some studies note that capital-intensive FDI could pose some external diseconomies to the host economies.\textsuperscript{22}

**FDI in Africa: Trends and Prospects**

The pointed role of FDI in boosting global value chains is evident. The 2011 world investment report recorded a rapid expansion in foreign sales, employment and assets of multinational corporations (MNCs) as well as an increase in international production. The operations of MNCs worldwide generated value added of approximately US$16 trillion in 2010; accounting for one-quarter of global GDP. The foreign affiliates of MNCs accounted for over 10 per cent of global GDP and one-third of global exports.\textsuperscript{23} FDI flows to Africa fell by 9 per cent in 2010. At US$55 billion, the share of Africa in total global FDI inflows was 4.4 per cent in 2010, down from 5.1 percent in 2009.\textsuperscript{24} Notably however, FDI to the primary sector, especially in the oil industry, continues to dominate FDI flows to the continent (see Figure 1). On the relationship within countries in Africa, there is some evidence of how regional FDI is generating positive developments to the host countries. Intra-African FDI in agriculture is helping to boost the state


\textsuperscript{24} ibid
Beyond State-Building

of agricultural developments in Zambia. Even though intra-African FDI is still underdeveloped, South Africa accounts for a large share of FDI projects within sub-Saharan Africa. Other countries – for example Mozambique, Kenya, United Republic of Tanzania provide incentives in order to attract intra-regional FDI in agriculture, the banking and finance industry and other services.\(^ \text{25} \)

Figure 1: FDI Inflows to Africa by Industry Contribution (2000-2010)

Source: UNCTAD, 2011

Several bodies have projected a positive outlook for FDI to Africa, with hopes for more market-seeking and resource-seeking investments to the continent.\(^ \text{26} \) Given projections by Business Monitor International, the Economist Intelligence Unit and IMF World Outlook, Africa is expected to sustain growth in FDI flows in the coming years. Indeed, Africa continues to remain a magnet for different investor groups: MNCs operating in low- or no- growth developed economies that seek new vistas for growth; firms in high-growth emerging markets seeking avenues to boost current growth rates; firms seeking intra-African trade opportunities; as well as firms with operations in Africa, seeking to expand their foothold in other world regions, in order to secure future

\(^ {25} \) ibid

growth potentials.27 In general, painstaking efforts to locate in Africa are attributable to the sheer size of the African market, its abundant resources and its varied potential for development, while the myriad of economic problems on the continent serve as disguised business opportunities waiting to be tapped into.

Different factors are expected to trigger and maintain the level of FDI inflows to individual countries on the continent. For instance, the stable political environment and the developments in the oil and gas industry are expected to raise foreign investment participation in the Ghanaian economy. The largeness of Africa’s most populous country, Nigeria, is projected to influence investors who seek to maximize their growth potentials. The success recorded in Angola’s institutional frameworks is worthy of mention, as a result, further growth opportunities in Angola is expected to increase the reality and rhetoric of FDI in the country. The Economist Intelligence Unit also notes the advancements in the governance infrastructure in Cote d’Ivoire, improved security and investment-friendly policy environment, huge infrastructure investments, and the discovery of offshore oil reserves.28 Improved technology infrastructures, structural transformation and improved macroeconomic management are some factors expected to stimulate desirable FDI flows into different sectors of Ethiopia, Mozambique, Zambia, Tanzania and Democratic Republic of Congo by 2016.29

While investing in Africa is advantageous and promising for investors, as previously addressed, there are equally desirable outcomes for the host countries. Desirable FDI will be one that does not violate human and labour rights, is socially responsible, and regulated to enhance domestic competition and skills. It is one that is concerned with both


29 ibid.
the short and long term development goals of the country. Nevertheless, desirable FDI outcomes which address human security imperatives and maximize the benefits of FDI can be adequately harnessed when efficient and functioning institutions are in place.30

**Institutions: A Means to Profit from FDI**

In order for Africa to fully benefit from FDI today and in the future, African states have a crucial role to play in establishing the right institutions. The state and its institutions are crucial lenses to understanding the past, present and future development of any society. The state because it plays several critical roles, and institutions because they depict “the rules of the game in a society[,] … reduce uncertainty by providing a structure to everyday life” and guide human interaction. Institutions though may not be “necessarily efficient”, however they “structure incentives in human exchange, whether political, social, or economic.”31

Institutions can be differentiated in terms of their levels of formality. Drawing heavily from Helmke and Levitsky,32 conceptual distinctions between formal and informal institutions have been made using a state-societal frame – where formal institutions would embody state agencies and enforcement rules, and informal institutions fall under the civic, religious, and other non-state bodies and rules, or based on the enforcing body. Here, informal institutions are self-reinforcing, while formal institutions require the influence of a third party, which is usually the state. Formal institutions therefore include state agencies, bureaucracies, courts, legislatures, constitutions, laws (common, by-laws), regulations, property rights, statutes, as well as enforcement

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30 ibid.
characteristics, social sanctions, and internally enforced standards of conduct. Informal institutions, which typically underlie and supplement formal rules, encompass customs, taboos, traditions having such enforcement mechanisms as shunning, boycotting, threats and the use of violence. While the role of informal institutions should not be underestimated, and in spite of extant or possible inefficiencies of formal social protection institutions, Wood and Gough posit that “formally guaranteed rights to welfare and employment security, embodied in legitimated states and regulated labor markets, will always be superior to a clientelist, or even reciprocal, system of informal rights which deliver dependent rather than autonomous security.”

The institutional framework, enforcement and quality of institutions, determine not only the productive performance of the society, but also help in promoting inclusive growth and human security. The institutional environment can play an active role in upholding (or undermining) human well-being and ensuring equitable and inclusive development. These institutions become even more pertinent in order to promote profitable and not exploitative investor-host country relations. The interaction between FDI, institutions and human security as conceptualized in this study is summarized in Figure 2. The figure shows how certain factors like good governance = the rule of law and fiscal incentives (FDI determinants), attract investors to a country. Based on the various motives (for resources, market expansion, or efficiency purposes) of investors and the host country, FDI is channelled into a country with the effects of increased capital stock, exports and so on. However, we purport that in order to have positive human security

35 Dani Rodrik, Getting Institutions Right (Cambridge, Massachusetts: Harvard University, 2004).
and development outcomes like reduced poverty, inequities, and rural development, a series of social policy innovations and institutions have to be put in place. While the indicators in the framework are not exhaustive, they show our stance that FDI could lead to positive human security outcomes when the right institutional framework and policies are put in place.

In the absence of positive state-led institutions to guide the actions of MNCs, these actors are without constraints, enforcements and sanctions that would erstwhile have guided their interactions with host communities. A case in point would be the human and environmental deprivations that have occurred in the Niger-Delta region in Nigeria. In the absence of positive formal institutions, and the limited efficiency of the informal institutions to guide both state and private actors, poverty and environmental degradation have ensued. This long-term continuing violation occurrence stands in stark comparison to the outcry and immediate reprimands issued to British Petroleum for their involvement in the oil spillage in 2010 in the Gulf of Mexico.

Figure 2: A Framework for FDI, Institutions and Human Security

Source: Authors’ Compilation

Adapted from the World Bank, institutions that would support inclusive development and human security should: (i) have the capability to pick up signals about needs and problems. This involves getting essential information from and disseminating it among the required sectors of the economy. Secondly, (ii) institutions should give citizens a voice, respond to their feedback and also foster learning. (iii) Institutions should be equipped to balance interests, negotiate changes and forge agreements, and also avoid conflict. Therefore, institutions need to develop the capacity to encourage the proposal, execution and implementation of agreed upon programs and solutions in a credible manner. Finally, (iv) institutions should plan, implement and monitor various key development policies in order to establish market mechanisms, reduce distortions, excesses and unintended implications.

As African economies are seeking to get their institutions right in order to attract FDI and increase economic growth, institutions that promote equity and social inclusion should not be neglected.

**Empirics on FDI and Institutional Factors**

Studies are giving critical attention to the role of institutional factors in establishing sustainable FDI linkages. Batten and Xuân Vinh investigated the role of social factors in the volume and direction of FDI flows. Their findings indicate that FDI flows are likely to be sustained in countries with greater trade openness, stable capital markets, low risk, and higher levels of education attainment. The study posits that the adoption of educational, legal and institutional reforms, as well as investment policy and criteria reforms, are important if countries must maximize their benefits from FDI. Moreover, Görg, Molana, and Montagna examined the role that social expenditure in conjunction with corporate taxes played in influencing the direction of FDI flows in 18 of the Organisation for Economic Co-operation and Development (OECD) countries. Their study established evidence for the hypothesis that multinational firms valued redistributive social welfare policies because these signal the host country’s commitment to the promise of social stability.

Sino-African FDI flows have also gained some attention in research with the writings of Brautigam. In a study of the determinants and policies influencing Chinese FDI to Africa, Salio Kokouma and Xu found market size, economic growth rate, employment, trade openness

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and the trade policies of the host country to be important. The authors measured the attractiveness of FDI to countries on the scale of their locational distance, availability of infrastructure, level of corruption and return to investments, government commitment to policy formulation, regulation and implementation.\(^{42}\) Much of the studies on the determinants of FDI concentrate on the factors related to host country economies such as market size, industrial zoning, labour costs, infrastructure, macroeconomic fiscal and monetary policies, trade policies, exchange rate volatility and trade liberalization. Fairly recently in the FDI literature is the increasing awareness of the institutional perspective in determining the location of FDIs;\(^{43,44}\) with more emphasis on institutional quality.\(^{45}\)

According to Bissoon, states which exercise greater efficiency in the protection of civil and property rights, economic and political freedom, and which have minimal levels of graft are associated with greater economic prosperity than states with converse conditions. Furthermore, contrary to the expectation that governments will seek to spend less on social policy in order to attract foreign investment, “empirical studies have revealed a positive correlation between government social spending and openness to the international economy.”\(^{46}\) Apart from seeking a good institutional environment that would enable ease


\(^{44}\) On role of institutional distance and natural distance in FDI from the South, also see Mariya Aleksynska and Olena Havrylchyk, ‘FDI from the South Role of Institutional Distance and Natural Resources’, CEPII Working Paper No. 2011-05, 2011.


in business dealings, firms might also wish to invest in countries with positive social policies which benefit the citizenry because of “image-related risks” associated with investing in “countries with repressive regimes; the risk and uncertainty spawned by repressive policies in the host economy; and the growing importance of a “triple bottom line” for firms that want to establish a good reputation in corporate social responsibility.”

In addition, conceptual and empirical frameworks for the globalization of investment now incorporate social and ecological concerns. Júlio, Pinheiro-Alves and Tavares found that social reforms that thinned out bureaucratic influence, political risk, corruption and promoted the increased independence of financial institutions, in addition to the relevance of scale factors such as the geographical distance and recipient country market size, promoted bilateral inward FDI to Portugal. Considering the African scenario, even though the low level of development has been blamed on several structural and institutional factors, far reaching are the systemic problems caused by the nature of weak institutions on the continent. Lumbila found that what makes FDI work is a robust domestic absorptive capacity that constitutes a favourable infrastructural network, improves skilled workers human capital, a stable macroeconomic environment and favourable institutions. In a study of select African and other developing economies, social development variables including political rights,

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civil liberties, democratic accountability, religious and ethnic tensions and internal conflicts were found to influence FDI. This reiterates the point that crucial determinants of FDI are those that inform investors of the long-term stability of the host economy.\textsuperscript{53}

**Institutions for Social Protection and FDI in Africa**

Social policy itself has a vast domain and entails “what a community collectively does to protect its weakest members, [and] also has to meet the social needs of all.”\textsuperscript{54} Social protection is a major component of social policy, and seeks to prevent, manage and overcome situations that have an adverse effect on the well-being of people. When faced with such contingencies as “illness, maternity, disability or old age; market risks, such as unemployment; as well as economic crises or natural disasters”, social protection measures help individuals to maintain their living standard.\textsuperscript{55}

One avenue through which FDI is assumed to affect poverty and human development is by impacting economic growth, which in turn leads to poverty alleviation. Yet, productivity is a necessary but not sufficient condition to alleviate poverty\textsuperscript{56} and an adequate institutional environment can assist in ensuring that economic growth does indeed alleviate poverty and inequities. Social protection is itself increasingly taking central place in the international community, and seen as a critical tool in mitigating poverty. The UN System task team on the post-2015 UN development agenda noted that social protection “can play a fundamental role in creating more inclusive and sustainable development pathways. In the absence of social protection, people,

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especially the most vulnerable, are subjected to increased risks of sinking below the poverty line or remaining trapped in poverty for generations.” They further highlight it as a critical instrument for achieving a minimum of six out of the eight MDGs. 57

Social protection can be formal or informal, where the former include “actions taken by the public sector (alone or in conjunction with other parties such as non-governmental organisations and donors) and private sector arrangements that have legal backing” while the latter “encompasses those arrangements and actions taken by an individual or groups of individuals which are not guided by formal legal legislations, but which are not necessarily contravening these laws and regulations.” 58

As explained by Oduro, in many African countries, social protection is not new, 59 and these programmes are administratively, fiscally and politically feasible, “even in low-income Sub-Saharan African countries – and on a scale and scope previously thought out of reach.” 60 In 2008, the first ever African Union conference for ministers in charge of social development concluded a “social policy framework” that called for “strengthening social protection systems, combating poverty and hunger, creating full employment and decent work opportunities for all, improving access to education and health-care services, promoting gender equality, and ensuring the social inclusion of the vulnerable groups in mainstream development.” 61

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59 ibid.,
While countries in Africa seek to promote national social protection policies, it is important that they also have the necessary institutional frameworks in place that integrate foreign investment into their plans and maximize the benefits from FDI. This is important to promote human security from the point of view of the worker, and also to encourage investment from responsible corporations. For example, in a study of four cities in Ukraine, it was found that “FDI-exposed workers report greater job insecurity and are more likely to favour more government spending and greater government responsibility for ensuring social outcomes.” ⁶² Labour market policies in particular that could be instituted include:

(i) employment protection legislation, which includes laws on minimum wage, procedural requirements for redundancies and dismissals, and employment contracts;

(ii) passive labour market policies, which offer temporary income security, such as unemployment insurance and severance pay; and

(iii) active labour market policies, which are designed to support the unemployed and underemployed in making transitions to new jobs, and include direct employment generation schemes (e.g., public works programmes), skills development programmes, promotion of self-employment, job search assistance, and wage subsidies.⁶³

According to the United Nations Conference on Trade and Development (UNCTAD) inward FDI potential and inward FDI performance indices, most sub-Saharan African countries have low FDI potentials; yet, there are a number of high-performers among them. UNCTAD’s


inward FDI performance index ranks countries by the volume of their FDI receipts relative to their economic size while UNCTAD’s inward FDI potential index evaluates a country’s ability to attract FDI vis-à-vis other countries in the global space. Most of the low potential yet high performing countries seen in the third quadrant of table 1 below, are resource rich countries. In Africa more generally, as at 2010, 20 countries were viewed as “resource intensive… defined as those countries where natural resource exports exceeded 25 percent of total merchandise exports in 2005-2010.” Similarly, among these countries, 10 are “deemed “fiscally dependent” on natural resources” as they derive more than 20 percent of their revenue from natural resources. Angola, Congo, Ghana, Guinea, Namibia, Nigeria, Sierra Leone, and Zambia all fall in the “resource intensive” countries category while Angola, Congo, Guinea, and Nigeria are deemed “fiscally dependent” within the period spanning 2005 and 2010.

Table 1: Matrix of Inward FDI Performance and Potential: Africa and BRIC, 2007

<table>
<thead>
<tr>
<th>High FDI performance</th>
<th>Low FDI Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front liners</strong></td>
<td><strong>Below potential</strong></td>
</tr>
<tr>
<td>Libya, Tunisia</td>
<td>Algeria, Brazil, China, Russian Federation South Africa</td>
</tr>
<tr>
<td><strong>Above Potential</strong></td>
<td><strong>Under performers</strong></td>
</tr>
</tbody>
</table>

Source: World Bank

While the inward FDI potential and performance indices do not explicitly capture social, political, and institutional factors, the comparative effectiveness of policy implementation and human development indicators, we supplement this data with that on the multidimensional poverty indicators and institutions. The multidimensional poverty index (MPI) is a relatively new data set, and comprises ten indicators that correspond to the three dimensions – education, health and living standards of the Human Development Index (though wider in scope), and “captures a set of direct deprivations that batter a person at the same time.” We also consider the quality of policies and institutions for social inclusion and protection in Africa by using the World Bank’s Country Policy and Institutional Assessment (CPIA) database. The CPIA assesses the quality of countries’ institutions and policies under four categories: economic management; structural policies; policies for social inclusion and equity; and public sector management and institutions. While FDI might pertain to all institutions analyzed with the CPIA, given the scope of this chapter, we highlight those that pertain to the social inclusion and equity cluster, and as well those on social protection and labour within the cluster.

Data shows that countries in the region show different levels of poverty deprivations. In fact, 24 out of the 35 countries or about 68 percent have MPI which are greater than 0.3. Among the 11 high-FDI performing countries highlighted in table 2 below, only Congo, Ghana and Namibia

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68 Sabina Alkire and Maria E. Santos, ‘Acute multidimensional poverty: A new index for developing countries,’ Oxford Poverty & Human Development Initiative (OPHI) working paper no. 38, 2010, 1
70 Among the 104 countries reported by Alkire and Santos, 2010, the country that was most MPI poor had an index of 0.642.
have MPI’s that are lower than 0.3, while Kenya, Togo and Zimbabwe were the few countries among the 12 low-FDI performing countries. In considering the social inclusion/equity cluster which “assesses the extent to which a country’s policies for social inclusion and equity support sustainable growth and poverty reduction”\(^{71}\) and measures the following: gender equality, building human resources, equity of public resource, social protection and labour, policies and institutions for environmental sustainability, most countries are performing at an average or below average level. In particular, only 5 of the high-FDI performing countries – Ghana, Madagascar, Tanzania, Uganda and Zambia – have strengths that are greater than 3.0.

Table 2: Multidimensional Poverty Index, Inward FDI Performance and Potential and Institutional Assessment for select African Countries

<table>
<thead>
<tr>
<th>Country</th>
<th>MPI</th>
<th>FDI Performance</th>
<th>FDI Potential</th>
<th>Social Inclusion/Equity</th>
<th>Social Protection &amp; Labour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benin</td>
<td>0.412</td>
<td>123</td>
<td>136</td>
<td>2.94</td>
<td>2.67</td>
</tr>
<tr>
<td>Burkina Faso</td>
<td>0.535</td>
<td>127</td>
<td>91</td>
<td>3.22</td>
<td>3.11</td>
</tr>
<tr>
<td>Burundi</td>
<td>0.53</td>
<td>na</td>
<td>na</td>
<td>2.93</td>
<td>2.67</td>
</tr>
<tr>
<td>Cameroon</td>
<td>0.287</td>
<td>112</td>
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Sources: Alkire, Conconi, & Roche, 2013; UNCTAD; World Bank CPIA\(^72\)

Notes: (i) MPI - Multidimensional Poverty Index, various years (Low=0, High=1)  
(ii) FP1 Inward FDI Performance Index of year based on i  
(iii) FP2 Inward FDI Potential Index of year based on i, 141 Countries covered; High ranks connotes that foreign investors disinvest in the period  
(iv) CPIA: Social Inclusion/Equity Cluster; Social Protection and Labour (Low=1, High=6), (average 2006-2012); Low-FDI potential/High-FDI performance countries are highlighted & Low-FDI potential/Low-FDI performance countries are dotted and highlighted.

Focusing on the institutions and policies that pertain to social protection and labour, we find that 4 countries – Ghana, Nigeria, Tanzania and Uganda – as well have a number of 3.0 or greater. Among these high-FDI potential countries, Ghana alone has a relatively low MPI and high institutional value. These results show that concerted efforts still need to be made to reduce the levels of poverty deprivations in many African countries and as well to strengthen policies and institutions that would encourage social inclusion and equity.

Ghana is among the number of African countries that have put in place a variety of social protection programs. Some other examples are: Lesotho – Old Age Pension; Rwanda – Vision 2020 Umuregne Programme; Ethiopia – Productivity Safety Net Programme, and Kenya – Home Grown School Feeding Programme. However, given different local peculiarities, needs, risks and vulnerabilities, one single strategy cannot be recommended for all African countries. In the same vein, institutions guiding social protection would vary depending on the setting within which the investment is being made. Next, we take a look at Nigeria and Mauritius, both high FDI-performing countries in Africa, yet with varying relations with investors and social policy strategies.

Nigeria

Nigeria’s Niger-Delta region epitomizes the threats to human security that can ensue when formal institutions that guide FDI are not constructed and enforced. Over the years, Nigeria has been one of major recipients of FDI on the continent. In particular, total investment as a percentage of GDP has averaged 23.8 per cent between 2004 and 2013, and was 22.1 per cent and 22.6 per cent in 2012 and 2013 in particular. Yet the poor do not feel the impact of FDI, while poverty and inequality levels are increasing. The Niger-Delta is the richest region in Nigeria due to its crude oil deposits and cuts through nine states in the southern part of the country. Trillions of dollars accrue to the country because of the region, yet the region itself remains poor and rural with human security heavily threatened. Many MNCs including Agip, Elf, Chevron, Mobil, Shell and Total operate there. Yet, since 1956, they have been adopting substandard practices thereby subjecting them to untold inhumanities and injustices. It is axiomatic to note that all stages of oil business activity – exploration, drilling and transportation – result in the destruction of natural environment and the livelihood of the local inhabitants dependent on the environment for survival (Saliu et al, 2007:278). Though oil seems to be important to the country’s economy, the people of Niger Delta perceive its discovery in their homeland as a threat to their life-support system.

Given the extent of the environmental pollution and degradation in the region, the ability of the environment to be a source of citizens’ livelihood for example through fishing and farming has decreased.

78 ibid., 125
Furthermore, the presence of the petro businesses in the region has led to a comparative rise in the cost of living. Discontent has led to the evolution of youth gangsterism and militancy, hostage taking and kidnapping, state suppression and violence, inter-communal conflicts, increased destitution and poverty, deterioration of cultural values and morals, and reinforced human underdevelopment.\(^79\)

By necessity, the MNCs give billions of dollars to the government in terms of “taxes, duties, royalties, fees, and the like.” Furthermore, some companies invest of their own accord in education, health, entrepreneurship and employment needs. For example, between 2008 to 2012, the Shell Petroleum Development Company of Nigeria Limited (SPDC) “contributed about US$42 billion to the Nigerian government.” Shell Nigeria Exploration and Production Company also paid about “[US]$6 billion in taxes and royalties” while “Shell-operated ventures also contributed over US$178.3 million to the Niger Delta Development Commission.” The company also has various voluntary initiatives in primary, secondary and tertiary education, youth empowerment, and community health programs and working with various ministries to impact the society.\(^80\) Despite these philanthropic ventures, the region as a whole remains poor.

While FDI funds might have been suitably used in some areas - for example, Nigeria’s experience in having accumulated enough funds “through mid-2008” while oil prices surged to buffet a time when oil revenues fell in 2009 is illuminated,\(^81\) and as well the use of FDI to improve transportation infrastructure\(^82\) - yet, in addressing human security concerns, poverty and inequities, it has failed. Telling is the fact that there is the “lack of an overarching social protection policy or

\(^{79}\) ibid.


strategy at federal level [which] is a key constraint to the implementation of social protection at state level.’”83 Furthermore, Nigeria’s expenditure on social protection is currently less than that of other sub-Saharan countries, with two-third of it going to the civil service.84

Mauritius

Mauritius is a middle-income island country that has been categorized as an economic miracle. The “Mauritian economic miracle”, depicts the period between 1970 and 2000 where the country sustained average growth rates of 5 percent annually. FDI has generally been credited for playing the role of “transforming the country from a stagnant mono-crop economy to one with sustainable growth and development.” However, unlike the Niger-Delta scenario discussed above, the country succeeded in not only attaining “high and stable economic growth rates”, but also maintaining “national stability and social cohesion”.85 While the MPI of Mauritius has not been calculated due to paucity of data, human development indicators of Mauritius reflect progressive living conditions in the country.

Mauritius’ HDI has increased consistently over time from 0.551 in 1980 to 0.737 in 2012. By its 2012 HDI value, it was categorized as a high human development country, ranking 77 out of 187 countries. Between 1980 and 2012, life expectancy, mean years of schooling and expected years of schooling increased by 6.4 years, 2.7 years and 4.4 years respectively with its gross national income per capita increasing by 265 percent. Even though the 0.737 HDI value of Mauritius is below the average of 0.758 for countries in the high human development category, the value stands above the sub-Saharan African average of 0.475.

the other hand, inequality adjusted HDI value (IHDI) for Mauritius is 0.639, which is higher than the average for countries in the high human development category (0.602) and sub-Saharan Africa (0.309).\textsuperscript{86} Table 3 below shows these indicators for Mauritius in comparison to Nigeria.

Table 3: HDI for Mauritius and Nigeria [1980, 2000 & 2012]

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Mauritius</th>
<th>Nigeria</th>
<th>Mauritius</th>
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<tr>
<td>Life expectancy at birth</td>
<td>67.1</td>
<td>71.2</td>
<td>73.5</td>
<td>45.5</td>
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<tr>
<td>Expected years of schooling</td>
<td>9.2</td>
<td>12.1</td>
<td>13.6</td>
<td>6.6</td>
</tr>
<tr>
<td>Mean years of schooling</td>
<td>4.5</td>
<td>6.2</td>
<td>7.2</td>
<td>-</td>
</tr>
<tr>
<td>GNI per capita (2005 PPP$)</td>
<td>3,644</td>
<td>9,097</td>
<td>13,300</td>
<td>1,571</td>
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<tr>
<td>Human Development Index</td>
<td>0.551</td>
<td>0.676</td>
<td>0.737</td>
<td>-</td>
</tr>
</tbody>
</table>

Source: UNDP (2013)\textsuperscript{87}

We find that Mauritius fares better on all indicators than Nigeria, although it started at a stronger position as at the 1980 comparative baseline. The country also has less people (1.3 million)\textsuperscript{88} than Nigeria, and even the estimated 28 million inhabitants (2006 est.)\textsuperscript{89} of the Niger-Delta region. Like Nigeria however, Mauritius continues to attract “sizable portfolio inflows,”\textsuperscript{90} even surpassing expectations in terms of attracting FDI for countries with similar income levels to it.\textsuperscript{91} The country has pursued a “very liberal investment trade regime”, using incentives to attract FDI.

It has diversified from its original dependence on sugar to trading in


\textsuperscript{90} International Monetary Fund, ‘Regional economic outlook: Sub-Saharan Africa, Sustaining growth and global uncertainty’, International Monetary Fund, 2012, 14

textiles and improving its service sector.\textsuperscript{92} Aptly put by Zafar:

Mauritius’ combination of political stability, strong institutional framework, low level of corruption, and favorable regulatory environment has helped lay the foundation for economic growth, while its open trade policies have been key in sustaining growth. The government functions as a parliamentary democracy, and the country has an efficient administration that is both technically competent and adaptive to changing global economic circumstances.\textsuperscript{93}

Human development has also been a priority for the country, and effectively so as seen by the HDIs. Mauritius has developed a social welfare system and has a “sophisticated pension system covering retirement benefits and general social security.” Absolute poverty levels have also dropped to less than 2 percent as at 2010.\textsuperscript{94} Similarly, human capital development has been greatly enhanced by the country’s investment in education and the labour market. Significantly, primary school enrolment in the 1990s and 2000s reached averages of more than 90 percent. Unemployment levels have also improved with job creation, and “flexible labour market conditions, including supporting the entry of women into labour-intensive jobs in the export processing zones.”\textsuperscript{95}

**Current And Proposed Solutions**

Against the above background, we highlight the following. First, FDI has desirable benefits for African countries but should not work in a vacuum; concerted efforts need to be applied to ensure that the right institutions and policies are put in place to guide both international

\textsuperscript{93} ibid., 91
\textsuperscript{94} ibid., 95
and national actors. Indeed, government economic growth policies can be a double-edged sword, securing sustainable FDI while improving the living standards in the host country. Inclusive social policies can help to spread FDI gains. These solutions are in line with the findings of the UNDP’s 2013 Human Development Report on the “rise of the South” which highlighted three major components that characterized countries like Mauritius who have become notable in their economic progress on the global front while making progress in their HDIs. These components were “a proactive developmental state, tapping of global markets, and determined social policy innovation”. In the simplest of terms it shows that while FDI is important, a state needs to be proactive in both its macroeconomic and social policy concerns.

This argument is concurrent with Kame who notes that there is the need for a paradigm shift from governance concerned with maintaining traditional national security, to a ‘people-centred approach to security’; that is one focused on inclusive social policies that promote both economic and political stability. In fact, Africa may continue to be at the periphery of FDI inflows if issues surrounding human security and social development are not considered as pivotal to both the attraction of FDI and the promotion of positive spillover effects to the host countries. So far, according to Thomsen, the increased FDI inflows to Africa is merely the response of the global private sector to the marked improvements in governance on the continent.

Second, the international community is notably paying more attention to human security and development imperatives, as well as to how these

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96 UNDP. (2013). Human Development Report 2013. The Rise of the South: Human Progress in a Diverse World. New York: UNDP., 4; Other countries which have done notably well in the “rise of the South” include larger countries like Brazil, China, India, Indonesia, South Africa, Turkey and smaller economies like Bangladesh, Chile, Ghana, Rwanda, Tunisia. Mauritius falls in the smaller economies group.


pertain to FDI. African countries can integrate internationally agreed upon standards that govern how FDI can ensue positive social and labour returns into their investment and social protection policies. For example, the ILO Tripartite Declaration of Principles on Multinational Enterprises and Social Policy which has implications for industrial relations, employment, human capital development with respect to MNE business conduct and provides guidelines for host country government regulation can be adapted.\textsuperscript{99} The OECD FDI social policy framework for MNEs is another good example of how economic cooperation can organize to harmonise more socially responsible FDI in their region – addressing the preoccupation with the volume as well as the composition of FDI inflows.\textsuperscript{100} Countries could also ensure that the five benchmark principles of equity, commitment to social protection, human resources development, gender quality and policies and institutions guiding environmental sustainability\textsuperscript{101} are well spelt out in investment partnership documentations for improved social policy and equity outcomes.

Third, though many African countries may be deficient in capacity and political will to enforce their regulatory responsibilities, MNCs should be flexible and adapt to host country particularities. They should adhere to popular local culture and business norms, country-wide or international standards or international standards.\textsuperscript{102} Taking the case of Ghana as an example, Volta garments, a foreign-owned firm, shut down after it could not “negotiate an acceptable pay scheme.” It had tried to introduce “a standard piece-rate pay scheme…. [But the] union and Volta’s workers rebelled … principally on the basis that it had not been “formally

\begin{itemize}
\item \textsuperscript{101} UN-Habitat, \textit{State of the World Cities Report: Prosperity of Cities} (Nairobi: UN-Habitat, 2013).
\item \textsuperscript{102} Chantal Dupasquier and Patrick N Osakwe, ‘FDI in Africa: Challenges, Performance and Responsibilities’, \textit{African Trade Policy Centre, UNECA WIP No. 21}, 2005.
\end{itemize}
introduced in the labour laws of Ghana.”103 In particular, MNCs should accord African host countries the same respect as they do the advanced industrialized countries; applying “the same accountability principles and the same standards of governance as they are held to in rich countries.”104

Fourth, the pattern of FDI inflow shows that FDI is targeted towards resource rich countries and extractive industries which mainly have little linkages to other parts of the economy, are not labour intensive, and do not improve human security and poverty (table 2). Our Nigerian case shows that FDI could bring social and environmental costs. It is therefore imperative that state-governed social protection institutions be put in place to protect the poor, weak and vulnerable. Governments should also work with MNEs to coordinate and maximize existing initiatives that are geared towards reducing multiple deprivations such as in education, health, water, sanitation, and electricity. Lessons can be learnt from Nigeria’s use of FDI to improve transport infrastructure and applied to other areas that would alleviate human development indicators.

Fifth, we find that FDI can affect varied groups differently and lead to inequalities: the middle/high income versus the low-income class; high versus low skilled workers; and resource-rich versus non-resource rich areas. Findings from African countries and some East Asian countries on manufacturing shows that FDI is more advantageous to the middle and high income classes, with little or no effect on the poor at the bottom of the income distribution pyramid – who are mostly with minimal skills to secure FDI induced jobs.105 High skilled workers thus tend to gain more from FDI presence than low skilled workers. Further, FDI can result in wage and cost of living inequities. For instance high wage-paying foreign investing firms increase the earning ability of skilled workers,

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103 UNCTAD, 2003, 33  
104 ibid., 6, 10  
with loads of potential for wage inequality for the local economy. Noting that by offering greater wages FDI unwittingly creates inequalities in the domestic economy, recipient country governments should take measures to ensure that the operations of the investing organizations contribute to both the short and long term development goals of the country,\(^{106}\) and mitigate potential communal inequities. More attention can be given to training low skilled workers in order to enhance their skills and competencies and concomitantly, their earning potential.

Further to this, African governments can use FDI as a way to introduce and/or redistribute capital and resources by geography and by sector. For example FDI can be used as a tool for rural development by creating incentives to locate in rural places. When FDI locates in rural settings, there will be increased employment opportunities created for the poor, thus serving to reduce the incidence and prevalence of poverty. Promoting FDI that supports employment in rural areas and agricultural terrains will also provide some tangible gains to the poor.\(^{107}\) Speaking about sector-specific effects of FDI, FDI in secondary sectors hold more potential for spillovers to the host country firms and environment than FDI in the primary or tertiary sectors.\(^{108}\) Export promoting FDI may improve the economic potential of the host country, but without proper pro-poor policies, it might not hold any direct benefits for the poor.

Finally, as a matter of deliberate policy, developing countries should give greater attention to the nature and composition of FDI over their present preoccupation with the volume of FDI inflows. To give an instance, empirical literature indicates that mergers and acquisitions could spell more damage to the domestic economy than green field investments\(^{109}\) would. Lessons from the protracted policy debate on FDI in India’s retail sector are instructive. The push by rich segments

\(^{107}\) ibid.
\(^{109}\) That is start-from-scratch investments as opposed to mergers and acquisitions.
of the Indian population for FDI in retail, generated heated reactions from academia, civil society and independent think-tanks rooting for the rights of the poor, all of which led to delays in the policy’s adoption. These stakeholders in the economy presented analysis that opening up FDI in retail without requisite social protection mechanisms was a call for economic and social disaster, poverty and railing inequality in India. Thus, it is pertinent that policy actions for FDI seek to maximize host country benefits while minimizing the risks and costs associated with volatility of price and output, as is the practice in high-income countries. Developed country governments usually intervene (to minimize the risks from foreign investment) by creating improved social safety nets, skill upgrades for improved operational efficiency, alternative employment opportunities for segments of the population that may be adversely affected by the entrance of MNEs in a given sector; this is a sure way to protect the host country from exploitative economic tendencies of FDI.\footnote{Rahul Pandey, ‘FDI in Retail without Enhanced Social Security will be Suicidal’, in South Asia Mail – An Independent Internet daily <http://southasiamail.com/blog/fdi-in-retail-without-enhanced-social-security-will-be-suicidal> [accessed 7 February 2014]}

Pandey’s submission resonates with the stance of this study that the more open domestic markets are to investment and trade, the greater the degree of social security nets that need to be created. Debates with respect to the social implications of FDI, such as the highlighted case of India, should be encouraged in all developing economies. South Africa, a major recipient of FDI in Africa, usually conducts an investigation on possible social impacts of investments before they are set off; this is however far from the practice in many other sub-Saharan African countries.\footnote{Colin Noy Boocock, ‘Environmental Impacts of Foreign Direct Investment in the Mining Sector in Sub-Saharan Africa’, OECD Global Forum on International Investment, Conference on Foreign Direct Investment and the Environment, 2002.} Thus, it will be a good practice for FDI policy and social policy to work together for the gains from FDI to be socially inclusive.
Conclusion

This study examined the human security imperatives of social policy and FDI in Africa. Set within an institutions framework, it sought to establish the role of socio-political institutions in attracting FDI while promoting social welfare in host economies. The study drew on data for a sample of African countries covering quality of policy performance of public sector institutions and policies for social inclusion vis-à-vis FDI performance and potential indices, as well as multidimensional poverty indicators. The promise of FDI as a veritable tool for international finance, private sector development, national development, with greater focus on the role it can play in reducing poverty and narrowing inequality in the developing economies of Africa was considered. It also depicted a link between FDI and poverty reduction, with poverty being analysed within a multidimensional framework.

Based on theoretical and empirical literature on FDI, institutions and social policy in Africa, we established the importance of building the right institutions to foster inclusive growth. The study further accentuated the overarching role of national social protection policies in promoting investments with lessons from country-specific cases. In particular, the specific cases of the Nigerian Niger-Delta region – to show the crisis in human security and development in the absence of efficient social development institutions –, and Mauritius – to illustrate how FDI can deliver on its promises in the presence of adequate social inclusion policies and institutions were highlighted. Moreover, we identified favourable institutional and economic frameworks for negotiating, cooperating with and maximizing gains from MNEs in order to achieve national development goals.

We posit that openness to foreign investments comes with its advantages and responsibilities; thus, African countries should give greater attention to the nature and composition of FDI. We also highlight the role states can play in cushioning the effect economic activities of MNEs create, by engaging requisite social protection programs and security nets. The
preoccupation of governments should be that of promoting FDI that advance their short and long-term sustainable development goals, made explicit in country investment criteria and enforced by good institutions. This study also advocates for a reorientation towards national security focused on inclusive social policies that promote both economic and political stability. Moreover, for Africa to increase its attractiveness to investors, regional cooperation and individual country governments must as a matter of deliberate policy improve institutions that foster growth and human security.

Further research on the human security imperatives of FDI in Africa can examine the role of other indicators not elaborated on in this study – human resource development, gender equality and institutions for environmental sustainability – on the potential for FDI to deliver on its several promises.
Sino-Africa Relations: From Politics to Economics

Phineas Bhaala

Introduction

Without question, China is fast emerging as a dominant power on the global economic stage. A powerful member of the BRICS (Brazil, Russia, India, China and South Africa) group of emerging economies, China has enjoyed the highest economic growth in the world over the last three decades, maintaining an average annual gross domestic product (GDP) growth rate of 9.3% between 1989 and 2011\(^1\). In 2010, China overtook Japan to become the world’s second biggest economy after the United States of America. As a part of its new development strategy, China has spread its tentacles into foreign countries in search of economic opportunities. In the process, China has engaged Africa in many areas but chiefly in trade, economic and technical assistance, and foreign direct investment. Through these and other economic activities, China on one hand expects to feed its fast growing industries with raw materials and find market for its goods and services, while Africa on the other looks to increase its foreign exchange earnings through trade, and benefit from new infrastructure.

Sino-Africa economic relations are a narrow part of the broad South-South relations. Although the origins of South-South relations could be traced back to the early 1950, the failure of the North-led development policies in the late 1990s, accelerated the search for a new development path among intellectuals in the countries of Africa, Asia and Latin America\(^2\), leading to the galvanisation of the concept. For this reason, one cannot fully understand the current Sino-Africa economic relations devoid of the history of developing countries, especially as it relates to their relations with the developed countries.

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**Background to Sino-Africa Economic Relations**

For the purposes of chronology and clarity, the history of Sino-Africa has been divided into two versions – the ‘Early Version’ and the ‘New Version’.

**Early Version of Sino-Africa Economic Relations (1950-1979)**

The strength of the Sino-Africa relations has stood a test of time from the political and ideological relations era (1950-1979) to the current economic relations era. China’s interests in Africa span over a period of 50 years of friendly, respectful, and gainful relations transcending
economic engagements to include political and ideological relations\(^3\). As top Chinese diplomats to Africa have usually put it, China has indeed been Africa’s ‘All Weather Friend’.

Although Chinese traders had been navigating the Indian Ocean and visiting the east coast of Africa since the Tang Dynasty (AD 618-907)\(^4\), formal Sino-Africa relations did not start until after the establishment of the People’s Republic of China (PRC) in 1949. The early contacts between China and Africa were under strong ideological influence and the generalised Chinese vision of the world\(^5\). The state of humiliation and isolation in which China found itself after the World War I, played an important part in shaping its post-war behaviour. The country’s ability to emerge even stronger on its own soon after, made it convinced that it was uniquely qualified to lead others in achieving liberation from oppression, not just elsewhere in the East, but in every other colonised part of the world\(^6\). With this in mind, China sought to establish ideological ties with developing countries in Africa, Asia and Latin America culminating in the establishment of official political ties with African countries in 1955.

The reception of the Egyptian President Gamal Abdel Nasser by the Chinese Premier Zhou Enlai at the Bandung Afro-Asian Conference in April 1955, in Indonesia, was the first diplomatic meeting between China and Africa\(^7\). The main aim of the conference was to discuss the challenge of peaceful co-existence among developing countries amidst an unfolding Cold War, in which the two superpowers; the United States of America and the Soviet Union sought to broaden their

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zones of influence through aggressive foreign policies\textsuperscript{8}. Concurrently, ideological tensions were brewing between the capitalist United States of America and the communist China. With the memories of World War I humiliation and isolation still fresh, China was seeking new allies in the new world.

Although the conference reconstituted into three committees – political, economic and cultural, politics took centre stage with the notions of non-alignment, sovereignty and non-interference, peaceful co-existence, the role of collective defence, principles of inter-state engagement, and even definitions of colonialism dominating the deliberations. During the conference, government officials from Ethiopia, Ghana, Libya and Liberia also held high profile diplomatic meetings with the Chinese Premier, and the Foreign Minister\textsuperscript{9}. Thereafter, Chinese leadership under Chairman Mao Zedong and Premier Zhou Enlai, used the Bandung resolutions to craft the famous Five Principles that guide the country’s foreign policy; namely mutual respect for sovereignty and territorial integrity, mutual nonaggression, noninterference in another country’s internal affairs, equality and mutual benefit, and peaceful coexistence\textsuperscript{10}. Based on these principles, China stood firm against imperialism, hegemony and colonialism across the emergent countries of the world, including Africa. In his speech at the Second Plenum of the Eighth Central Committee, in 1956, Chairman Mao Zedong thus remarked:

“... we uphold the Five Principles of Peaceful Coexistence, noninterference in each other’s domestic policy, and mutual nonaggression. We do not attempt to lead any other country. We only lead one place and that is the People’s Republic of China”\textsuperscript{11}.

\textsuperscript{9} Ibid
Based on the Bandung principles, China rendered material, financial and political support to the newly independent African states. As shown in the later text, Chinese assistance helped in consolidating the independence gains of the new countries and in uniting the African countries in their opposition against colonialism and imperialism. When he made a landmark visit to Africa in 1964, Premier Zhou Enlai, put forward the importance of the Five Principles to the development of Sino-Africa relations. From there on, most of the newly independent African states began to view China as a sisterly emerging power whose concerns on the international political scene were in many ways congruent to those of the Continent. Alignment with China was also an expression of solidarity to the Southern Bloc headed by China itself. The Southern Bloc sought to challenge the Northern ‘imperialist’ powers on many a frontier of concern. This was put plainly by the, now late, Tanzanian President Julius, K. Nyerere when he remarked that “African countries should not only unite to speak with one voice but also set up reciprocal relations with countries like China to elevate its position on the international stage.

A strong China was to take on the mantle of voicing out the interests of African countries on the international stage. Being the only developing country with a permanent seat in the U.N. Security Council, China is the country that understands the situation in Africa most and has a role as spokesman for all developing countries, including those in Africa. With its veto power in the Security Council, China, usually working with Russia, has offered checks and balances against misuse of power by the North and its allies.

Historically, China and Russia have used their veto powers to protect the developing world and seek peaceful resolutions to conflicts, thereby

12 Ibid
13 Hongwu, L. and Jiemian, Y. (eds.), Fifty Years of Sino-Africa Cooperation: Background, Progress and Significance – Chinese Perspectives on Sino-Africa Relations, Yunnan University Press, 2009, p.27.
promoting global peace and harmony. During and after the liberation struggle of many African and other developing countries, China and the Union of Soviet Socialist Republics (USSR) inspiringly used their seats to advance the cause of the developing world. Today, they have continued to do so despite counter efforts by some other Permanent Members of the Security Council who have on many occasions vetoed draft resolutions aimed at resolving problems in developing countries. For example, in 1985, a draft resolution seeking to accelerate the independence of Namibia by imposing Mandatory Sanctions on South Africa, tumbled when the United Kingdom of Great Britain and Northern Ireland, and the United States of America voted against it. However, China, USSR and other countries voted in favour of the motion while France abstained. This and other similar earlier and later actions, effectively delayed the independence of Namibia and encouraged the Apartheid South Africa to continue with its atrocities against humanity in Namibia and other Southern African countries. The story was not different in 1986 when China, Russia and other countries lost a United Nations Security Council draft resolution to impose Mandatory Sanctions on South Africa aimed at forcing the racist minority government to abolish apartheid. The United Kingdom of Great Britain and Northern Ireland and the United States of America voted against the motion. More recently, in 2008, China, USSR and other countries voted against a Security Council draft resolution, pushed by the United States of America and its allies, to impose sanctions on Zimbabwe for its alleged human rights abuses following a controversial election.

Since the 1960s, the number of African countries engaged at diplomatic level with China has grown considerably. For example, by the 1960s, China had already established diplomatic relations with 17 African

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16 Ibid, 1986: 1-142
17 Ibid, 2008: 1-17
countries. With Egypt becoming the first African country to establish formal relations with PRC on May 30, 1956, the diplomatic ties between China and the African continent went into overdrive a few years later. Guinea became the first Sub-Saharan African country to follow Egypt’s example in October 1959. Twenty years later, 44 African countries had established diplomatic ties with China. During this same period, diplomatic visits between China and Africa were on the upsurge. Consequently, by 1979, 120 China had recorded 120 visits by African heads of state and over 210 minister-level official visits while high-ranking Chinese officials had paid over 300 visits to African countries. These visits sought to promote cooperation in areas of politics, trade, culture, sports, education and military. More than 1,000 African students and professionals had already accessed Chinese training. Chinese experts came to Africa to fill skill gaps in highly technical fields that were critical to the growth and development of the African countries. Through Chinese aid, African countries were able to embark on projects of social and economic significance that would in turn reduce their dependence on the North in tackling their own domestic, regional and continental problems.

The construction of the Tanzania-Zambia Railway (TZR), during which China spent $455 million is one striking example. To build the railway line, China shipped 100 million tons of materials and equipment, and nearly 5 million engineers and technicians. Tragically, 64 Chinese nationals working for the project even lost their lives during the construction of the 1,860-kilometre long railway line meandering its way from the coast of East Africa to the copper mines in Zambia. Named by the Africans as the ‘Freedom Road’, due to its political and economic significance, and splendour, the rail line became a transport


artery connecting the peoples and economies of East Africa, Central Africa and Southern Africa, and linking them to the world through the port at Dar es Salaam. The rail line also gave Zambia a by-pass route to the world commodity markets thereby evading South Africa’s white regime controlling the country’s copper exports

Following the economic boom of the 1970s in the North, and the Great Proletarian Cultural Revolution (1966-1969) in China, the Sino-Africa economic relations suffered serious setbacks. Realizing that the Sino-Africa relations had not resulted in significant development achievements, at least in comparative terms with what was happening in the North, some African countries were starting to re-engage with the North. In any case, China was also going through economic and political challenges at home mainly brought about by the Cultural Revolution. With Mao as its driver, the Revolution sought to reform different aspects of Chinese life and sow a seed of revolutionary thinking in the population

The decision by some African countries such as Kenya, Nigeria, the Ivory Coast, Lesotho, Malawi, Niger and Burkina Faso to embrace some principles of liberalism, and others, to establish relations with the Soviet Union in the backdrop of the Cold War, contributed to deterioration in the Sino-Africa relations. In addition, considering the turmoil resulting from the death of Mao Zedong in September 1976, the Chinese Government turned inward throughout the 1980s in order to address pressing domestic political and economic crises. In view of all these challenges, the period 1979-1999 saw a downturn in Chinese economic and bilateral aid, ideological and political support to Africa.

The direct results of Africa’s economic relations with the North during the period 1979-1999 were the North-driven development initiatives

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20 Ibid
such as the Structural Adjustment Programmes (SAPs) starting in 1980, the Poverty Reduction Strategy (PRS) in 1999 and the New Partnership for Africa’s Development (NEPAD) in 2001. The introduction of the SAPs represented a drastic change in the economic policy of the World Bank and International Monetary Fund (IMF) towards Africa. They marked a shift from the hitherto policies emphasising financing of development projects to new ones focusing on financing macroeconomic and microeconomic policy reforms which were identified by the North as preconditions for accelerated growth and development in developing countries.

The SAPs supported neoliberal policies that agitate the privatization of State Owned Enterprises (SOEs), removal of trade barriers, currency devaluation, removal of subsidies, deregulation, institutional reforms and changes in fiscal, financial and pricing policies to reduce budget deficits and promote efficiency in public financial management. Sometimes, the term ‘Washington Consensus’ is used as shorthand for a whole package of the market-based policies or the SAPs. John Williamson coined the term in 1990 in his essay entitled ‘What Washington Means by Policy Reform’.

Notwithstanding the fact that the results of SAPs implementation in Africa remain a matter of debate, the neoliberal approach on which SAPs were purely founded, while theoretically sound, was fraught with pitfalls and failures to effectively address challenges to economic development in Africa. Some scholars argue that the SAPs were an imposition by the North on Africa without regard for the social, economic, institutional and political landscape of the Continent.

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There is also the radical argument that the SAPs effectively sought to bring the African systems in harmony with the capital-seeking international capitalist system. Scholars like Slater\(^{26}\), argue that the strategy of ‘structural adjustment’, which had been in place for approximately two decades, was to ignite massive redistribution of financial resources from the South to the North through the re-subordination of the economic structure of the South to the North.

This seems to support the argument by the United Nations Commission for Trade and Development (UNCTAD), when the developed countries donate $100 to Africa, they get back $106 via the channels of trade and investment\(^{27}\). In a market-based global village, the developing countries are particularly vulnerable due to their underdeveloped industry.

From the above it is clear that the early, ideological and political version of the Sino-Africa relations played an important role in building a strong footing for the new economic relations.

**New Version of Sino-Africa Economic Relations (2000 to Date)**

**Precursor to the New Relations**

Learning from the past failures, the 12\(^{th}\) Communist Party of China (CPC) National assembly in 1982 made a shift in China’s foreign policy from one emphasising ideological exchanges to one focusing on trade. This followed many years of structural reforms in China. Notwithstanding the calamitous Cultural Revolution, that had left the Chinese economy on its knees, the preceding years had laid a respectable foundation for the take-off of the industrialisation drive.

The Great Leap Forward (1958-1961) developed during the spring and summer of 1958 as a set of policy initiatives to make China leap over

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the normal stages of economic development through sustained exertion of mass extraordinary effort, culminated in some capital formation among peasants. Under Mao and with help from USSR in the 1950s, China began to develop a heavy industrial base and imported a great deal of fairly modern technology.

However, the sunrise of China’s most important economic reforms came during the reign of Deng Xiaoping, who quietly hijacked communism by unleashing economic reforms in 1978. This entailed the remodeling of a socialist economic system, anchored on central control of the economy through the dominance of the public sector, into a form of capitalist system. From the onset, the reforms raised the significance of market forces and the reduction of government controls over the economy.

Before 1978, the public sector dominated China’s economy with state-owned and collective-owned enterprises representing 77.6% and 24.4%, respectively of all enterprises. By 2011, the non-public sector accounted for 50% in 27 of the 40 industrial sectors, and more than 70% in some sectors.

China has also been strengthening its fiscal policy to respond to market pressures. For example, in response to the challenges emanating from the global recession, and the subsequent difficulties facing small and micro businesses’, in 2011, the Chinese government promulgated measures aimed at reducing various taxes paid by such businesses.

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29 Ibid.
33 Ibid
Through these measures, China sought to accelerate the growth of nascent enterprises thereby enhancing their capacities to produce for local and foreign markets.

In its engagements with other countries, old policies that emphasized ‘economy serves diplomacy’ were replaced with ‘diplomacy serves economy’ ones\(^{35}\). This reshaped the nature of China’s relations with other countries. Currently, Chinese brands abound in both developed and developing countries. Data on international acquisitions show that in 2011, 61 of the world’s biggest corporations on the Fortune 500 were Chinese\(^{36}\).

In the early 1990s, in the backdrop of a robust economy, China started rebuilding its diplomatic relations with Africa, now with emphasis on economic rather than ideological relations.

Through its ‘Going Out’ (zouchuqu) policy initiated in 1991, China identified Africa as a major policy target area. China’s interaction with Africa shifted away from the traditional one based on ideological support and development aid, to one promoting preferential loans, foreign direct investment, mineral exploration and exploitation, contract bidding in construction of social infrastructure and related developments that would confer mutual benefits\(^{37}\).

However, one concept that China has continued to sermonise even in the new relations with Africa is peaceful coexistence. China views peace and development as two interdependent variables that abbreviate its new international relations\(^{38}\).

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imperialism and underdevelopment, the promise of peace and mutually beneficial development by China was a temptation no African country was willing to resist. The result has been an exponential growth in the presence of Chinese owned firms and Chinese people in Africa over the last decade.

The zouchuqu policy is mostly implemented through the active involvement of Chinese state owned enterprises (SOEs) which seek to exploit China’s comparative advantages, gain access to key inputs, open new markets abroad, create global Chinese brands\(^{39}\), and other objectives.

The reemergence of China as an alternative source of development financing was an opportunity to many African countries seeking investment in the social sectors that had suffered neglect during the implementation of the SAPs. Of course, the new China was a world leader in gross domestic product (GDP) growth since 1978 when it began implementing its economic reforms. From 1979 to 2011, China’s real GDP grew at an average annual rate of nearly 10% while from 1980 to 2011; real GDP grew 19-fold in real terms\(^{40}\).

African countries were looking for ways of benefiting from this growth in terms of trade, economic and technical support and FDI while China would benefit from Africa’s minerals, oils and gases and other resources. Africa would also provide market for Chinese products and offer solidarity to the One China Policy in view of Taiwan’s attempts to break-way from the mainland, China. Over the last decade, Sino-Africa relations have grown exponentially, resulting in increased trade and Chinese investment in Africa.

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Milestones in the New Sino-Africa Economics Relations (2000 to Date)

Institutional Framework

In order to strengthen their relations further, China and Africa signed the Forum on China-Africa Cooperation (FOCAC) in Beijing in 2000. Both parties, of course, driven by China accepted FOCAC as an opportunity to upgrade their relations. Ever since, the FOCAC has become an institutionalised coordination mechanism for the cooperation between China and African countries.

The creation of FOCAC has filled a gap in the Sino-Africa relations that had hitherto lacked proper coordination owing to the absence of a Chinese development agency. The first ever FOCAC meeting was held in Beijing from 11 to 12 October 2000 and brought together 80 ministers and trade experts from forty-four African countries, and dozens of trade experts from China.

At this meeting, the Programme for China-Africa Cooperation in Economic and Social Development was also adopted while the objectives, structure, function, policies and measures of FOCAC were also designed.

When fully implemented, FOCAC would spearhead mutual interests in trade, economic, political and cultural frontiers. Any matter of mutual concern in the Sino-Africa relations was to form a part of the agenda for the future meetings. At the second Ministerial Conference in Addis Ababa, in 2003, an Action Plan to review the achievements of FOCAC, was adopted.

44 Ibid.
The Action Plan highlighted areas needing redress and the way forward. Based on the identified areas of weakness, the FOCAC mechanism needed strengthening. Consequently, Sino-Africa economic relations strengthened further in 2006, a year declared by the Chinese leaders as a ‘Year of Africa’ in Sino-Africa relations. The 2006 Beijing Summit consolidated this declaration by drawing the Beijing Action Plan (2007-2009) and forming the China-Africa Strategic Partnership. On January 16, 2006, China promulgated its Africa Policy, the first of its kind in the country’s diplomatic history with the Continent.

It outlines the objectives, policies and measures of the Chinese government in handling its relations with Africa. The Policy focuses on key areas of political and economic cooperation, human resource development through increased investments in education, science and technology, health, humanitarian support, and other areas.

The Strategic Partnership dawns a new era in Sino-Africa relations, marked by numerous development-centred pledges by China focusing on such areas as development aid, loans, trade and human resource development.

In order to measure the impact of Sino-Africa economic relations, one should examine how these relations have impacted on identifies sectors of the African economies from 2000 to date. During this time, Sino-Africa economic relations have recorded growth in the key areas of trade, economic and technical support, and FDI. This part of the Chapter gives data on how Sino-Africa economic relations have performed in these three key areas.

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Trade

Since the year 2000, trade volume between China and Africa has been on the upsurge. Defying the global economic crunch, China became Africa’s largest trading partner in 2009. Having reached the threshold of $10 billion in 2000, Sino-African trade volume has spiraled remarkably, jumping to 39.75 billion in 2005, $55.5 billion in 2006 and 73.5 billion in 2007. Recent figures show that the growth in trade volume has been relentless in the period 2010 to 2013, rising from $127 billion in 2010, $160 billion in 2011 to $200 billion in 2013.

Because of this increase in trade volume over the last decade, China has now become Africa’s major exporter of mainly low-cost manufactured goods, mostly targeting populous countries on the Continent such as Nigeria, South Africa, Egypt, Sudan, Morocco and Angola.

Within this period (2000-to date), China has also become the second largest importer from Africa after the United States of America. However, the increase in both the Chinese exports and imports, to and from Africa, respectively over the decade requires further discussion as to the type of trade relations existing between the two.

Firstly, the underdeveloped manufacturing sector in Africa means that the continent relies on commodity exports. Secondly, China is a major

importer of commodities due to its buoyant industrial sector’s big appetite for raw materials.

In the final analysis, Africa provides both the raw materials needed to feed the Chinese industry and the market to clear the lines of production. Recent data showing an increase in the share of minerals in China’s imports support this argument.

For example, in 2010, mineral commodities accounted for 64% of China’s imports, totaling $375 billion up from $40 billion a decade ago. Interestingly, trade data also show that China’s engagement with Africa is stronger among resource richer countries than with resource poorer ones. For this reason, a large proportion of the Sino-Africa trade volume is concentrated in a few resource-rich countries.

In 2008, for instance, 79% of all African exports came from just five countries with Sudan and Angola, exporting to China 70% and 30%, respectively of their total annual exports to the world in 2005. Data also show that in the period 2001-2011, fuels dominated Africa’s global exports to the tune of 45%-63%. In the same period, fuels, ores and metals jointly contributed 52%-72% to Africa’s global exports. The increased demand for raw materials, which has kept the commodity prices relatively high during this period, provides the explanation.

With specific regard to China, the Mo Ibrahim Index of African Governance and Chainoil web.com show that 11 of Africa’s leading petroleum producers exported to China alone, a total of 61,418,990 tons of oil in 2010, representing 30.14% of the total world share. In 2011,
the International Copper Study Group reveals that China consumed 7.9 tons of copper (representing 40%), becoming the largest consumer of the commodity on the globe. Projections showed that China’s demand for the commodity would increase by 3.6% in 2012\textsuperscript{57}.

While this financing mechanism has helped African governments develop their infrastructure and created employment, concern has arisen because not only is the true value of such resources not well known, but also that the continent is losing the opportunity for value addition. This is making it difficult for the African countries to attain the far-fetched dream of economic diversification, leaving them as enclaves for raw materials, facing limited opportunities for sustained development,\textsuperscript{58} leading to industrialization, rising unemployment and poverty while sustaining Africa’s dependency.

As observed by Ceda and others, another problem with the boom in Africa’s commodity exports to China is that of the 'Dutch Disease'.\textsuperscript{59} The economist magazine coined this term in the 1970s after the Netherlands discovered oil and gas in its North Sea. Its commodity exports led to the appreciation of the real exchange rate and a decline in its non-oil exports.\textsuperscript{60}

With the economic rent from commodity exports, driven by the Chinese demand, the manufacturing sector in Africa faces stagnation. ironically, African countries have resorted to importing from China, what they should have been producing locally.

Despite Africa’s exports to China being chiefly commodity-based, China has given opportunities for the Continent to diversify its exports

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\item 59 Geda, A and others. To Be or Not to Be: Dilemma of Africa's Economic Engagement with China and Other Emerging Economies. Africa Review, 5:2, 118-138,2013
\end{itemize}
\end{footnotesize}
by removing duty on certain goods imported from Africa. For example, by 2009, 478 product lines produced in Africa were given zero-tariff status\textsuperscript{61}. However, the African countries still faced a challenge insofar as increasing their exports of finished goods to China was concerned, given their technological handicaps and the cheap Chinese goods found in chain stores, streets and village stands all over Africa.

Moreover, a 2007 report by the Common Market for Eastern and Southern Africa (COMESA) shows that resource products such as copper, cobalt, and marble made up the lion’s share of member countries’ preferential tariff-free value. Yet other products such as cotton, salt and sulfur, rawhides and skins, coffee and tea, and fish and crustaceans could not compete on the Chinese market\textsuperscript{62}. Considering that most of Africa’s exports to China are commodity-based, the assertion that larger exports to China have helped drive economic growth in Africa, as made by Drummond and Liu\textsuperscript{63} deserves both acknowledgement and further debate.

\textit{Economic and Technical Cooperation}

Since poor infrastructure is the greatest hindrance to Africa’s growth, Chinese investment could fill Africa’s infrastructure gap currently estimated at $93 billion per annum\textsuperscript{64}. Indeed, appropriate infrastructure such as power generation and telecommunications technologies, provide the delta for a myriad of economic activity. Good infrastructure also assumes precedence to FDI in different sectors of the economy. Therefore, in its relations with China, Africa has sought to boost its infrastructure development.

Consequently, China’s support to Africa’s infrastructure development has gone sky-high in recent years, rising from less than $1 billion in 2001-2003 to about $1.5 billion in 2004-2005. It soared to $7 billion in 2006 before easing to $4.5 billion in 2007, following the global credit crunch. China’s support towards infrastructure development in Africa has come through an interesting model dubbed ‘Infrastructure-for-resources’ (or simply, IFR) Loans. In this model, the China Exim Bank extends a loan to a resource-rich African country in exchange for a scarce resource. In the succeeding text, there is an attempt to further explain the model and examine the ways in which China has used it in selected African countries.

Among the countries that have benefited from China’s IFR Loans since 2000 is Zimbabwe. The economic hardships that Zimbabwe faced after its controversial land reforms and the resultant animosity between the country and the North, culminated in Zimbabwe looking south. President Robert Mugabe’s visit to China in 2006, which renewed the Sino-Zimbabwe relations, was partially a reason for China’s increased development assistance to Zimbabwe. In 2006, China allegedly pumped an astounding $1.3 billion into the development of coalmines and power stations in exchange for chrome supplies, bringing hope to a financially starved economy. In the same year, the Herald newspaper in Zimbabwe reported that China had extended to Zimbabwe, a $200 million buyer’s credit loan for fertilizer, agrochemicals, agricultural equipment, animal health products and other equipment. In this arrangement, the exporting country (China in this case) gives a loan to the importing country (Zimbabwe in this case) to enable the latter pay for the imports. In this arrangement, the exporting country benefits by finding a market for its goods, while the importing country acquires...

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67 Ibid
upfront, capital goods for which it would not have afforded to pay before production. Notwithstanding other loans Zimbabwe got from China in the period 2000-2013, in May 2012, the country got a pledge of $300 million to help it construct a convention centre and other infrastructure for the co-hosting of the United Nations World Tourism Organisation General Assembly. Chinese firms were to carry out the construction.

In March 2004, the China Exim Bank extended a $2 billion oil-backed loan to Angola for the post-war refurbishment of infrastructure. In 2006, the loan doubled to $4 billion. To fulfill a condition requiring projects funded by the China Exim Bank to select Chinese enterprises or exporters, Angolan firms could only tender for 30% of the infrastructure projects from the oil-backed loan while the 70% was set aside for Chinese firms. Since the deal was oil-backed, China was to pump 10,000 barrels of Angolan crude oil per day. Following this oil-backed infrastructure loan to Angola, China’s resources-based financing of development projects has been termed the ‘Angola Mode’. This is basically, a new name for China’s IFR Loans.

The ‘Angola Mode’ ensures that while the African countries get the much-needed infrastructure, China gets the resources it needs back home while assisting its multinationals to spread their tentacles to key global resources. The ‘Angola Mode’ practice has come out as a common practice by the China Exim Bank in its infrastructure development financing across the Continent. For example, data shows that:

Exim Bank’s largest credit lines for infrastructure development secured by resource supply were … $4.5 billion to Angola in 2004, in exchange

for oil supplies, $3 billion to Gabon in 2006, in exchange for manganese exploration rights, and $9 billion to the DRC (Democratic Republic of the Congo) in 2007/08, in exchange for cobalt mining development.\footnote{Alden, C and Alves, AC, China and Africa’s Natural Resources: The Challenges and Implications for Development and Governance (Braamfontein, South African Institute of International Affairs, 2009, p.9).}

In Nigeria, Beijing signed an oil-drilling license worth $4 billion, in 2006. In return, Beijing was to construct a rail system and power stations for Nigeria.\footnote{BBC quoted by Ibid.} This was in addition to the $3 million oil-backed loan Nigeria obtained from China Exim Bank, in 2005, also for construction of power stations.\footnote{World Bank, Building Bridges: China’s Growing Role as Infrastructure Financier in Sub-Saharan Africa, Trends and Policies, No. 1., Washington, 2009, p.27.} With respect to the latter, the deal required Nigerian’s Nigeria National Petroleum Corporation (NNPC) to sell 30,000 barrels of crude oil per day for one year, subject to renewal.\footnote{Ibid, p.26} A recent deal reached in 2012 between China and Nigeria saw the former rebuilding a communications satellite using the Chinese firm, China Great Wall Industry Corporation, a project reported to have created over 150,000 jobs for the local people.\footnote{See The China Analyst, October 2012. Available on file://E:/EC DATA 3 .htm}

Ghana is yet another country enjoying strong relations with China. In 2011, the country received the biggest ever loan in its history when the Ghanaian Parliament approved a staggering $3 billion extended by China for \textit{inter alia}, renewal of the railway and other infrastructure in the Western Corridor, improvement of irrigation, coastal fishing harbor, transportation system, and improvement of infrastructure in Ghana’s oil industry.\footnote{Jones, B.A, Resources for Infrastructure: The Sustainability Dynamics of Sino-Africa Trade (Syntao-Sustainability Solutions, 2013, p.18). Available on www.syntao.com/uploads} China’s involvement in the Western Corridor seems strategic because the region is the wealthiest in Ghana, with endowments of various natural resources. Apart from experiencing the highest rainfall in the country, the region boasts of fertile soils, gold, and oil and gases. However, China’s entry into Ghana’s oil fortunes has been slow.
Although China National Offshore Oil Corporation (CNOOC) has had interests in Ghana’s oil since 2009, data on ownership showed that non-Chinese firms dominated the production and ownership of Ghana’s oil fields.\(^{79}\)

From a general perspective, from 2000 to date, China has engaged Africa in other aspects of economic and technical cooperation. China’s cancellation, at the FOCAC Conference in 2003, of $1.27 billion in loans owed to it by African countries showed the strength of the new Sino-Africa economic relations.\(^{80}\) By this decision, China sought to help African countries to direct the resources meant for debt servicing towards other needy sectors of their economies.

In 2006, Van Beek\(^{81}\) reports that China announced a wide range of measures aimed at uplifting Africa’s productive and social sectors, and improvements in human resource development. These included the training of 15,000 professionals, setting aside of $37 million for construction of health facilities, schools, and provision of scholarships to African students. In addition, $5 billion was set aside for the newly created China-Africa Fund.

The fund was to assist finance certain projects of mutual interest in tourism, telecommunications, and machinery manufacturing.\(^{82}\) By 2009, of the 33 Heavily Indebted Poor Countries (HIPC), 32 had received 150 interest-free loans from China. Diverse Chinese professionals, including agriculturalists and medical doctors had also arrived in Africa to mitigate the skill shortage in the productive and social sectors.\(^{83}\) In the same year, China had commenced the construction of the 100-metre high tower to house the African Union in Addis Ababa, Ethiopia.


\(^{82}\) Ibid.

\(^{83}\) Ibid.
Completed in 2012, the $200 million project was a gift to Africa by China\textsuperscript{84}.

\textit{Foreign Direct Investment (FDI)}

Just like the case with its other engagements with Africa, China’s FDI into the Continent seems driven by natural resources. For this reason, investment into a wide-range of sectors is an important feature of the new Sino-Africa economic relations. It is also important to note that as the Sino-Africa relations have continued to grow, so have all its facets.

To ensure an aggressive entry into the African market, in 2002, the Chinese government identified fifty state-owned enterprises, gave them a wide-range of incentives including low-interest loans, domestic tax breaks, cheap land and information-sharing networks, and later unleashed them on Africa. Encouraged by the amazing results, after 2010, the number of Chinese firms in the African economy had increased to an astonishing 2,180, undertaking about 8,000 projects in different sectors of the African economies\textsuperscript{85}.

These firms include two of China’s huge corporations, CNOOC and the China National Petroleum Corporation (CNPC), which have acquired rights to explore oil and gases in the Niger Delta and the Chad basin\textsuperscript{86}. Other corporations include China Nonferrous Metal Mining Group, which opened an economic zone in Zambia in order to provide strategic reserves for China, and XinXiang Kuroda Mingliang Leather Co., which has invested massively in Ethiopia’s leather industry.


\textsuperscript{86} Obi, C, China in Nigeria: Is oil a Catalyst for Armed Violence?’ Africa Review, 1:2, 93-109, 2013.
Inaugurated by President Hu Jintao, and President Levy Mwanawasa (Now late) of China and Zambia, respectively in 2007, the Zambia-China Economic and Trade Cooperation Zone (ZCCZ) was the first of its kind in Africa. China committed to invest $1.28 billion in the project with $700 million invested upfront. Since then, the investment has created about 6,000 local jobs. Consequently, in 2010 alone, UNCTAD shows that China imported 2.4 billion of refined copper from Zambia.

With respect to Ethiopia, following a partnership deal with China Development Bank, in 2009, XinXiang Kuroda Mingliang Leather Co., pumped in $27 million into a joint venture leather factory owned 55% and 45% in respect of XinXiang Leather and Chinese Development Bank (CDB). The factory opened in 2010 with a target to generate 500 local jobs. Since China was to be the sole importer of the factory’s leather, Ethiopia stood to gain in foreign exchange while China would tap into a resource it scarcely had at home.

There are many other Chinese firms, small and big, engaged in one type of industry or another across the Continent. An examination of China’s investment in Africa shows that although private Chinese firms also invest in Africa, the majority are state-owned enterprises (SOEs) supported by government through the China Exim Bank, and China Development Bank (CDB), which are, themselves, SOEs.

Although China’s FDI in Africa has generally been on the upswing since 2000, much of the growth occurred between 2005 and 2008. Investment data show that China’s FDI in Africa as a percentage of

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90 Ibid, p.20.
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its total FDI across the globe was 4.3%, in 2004 and 9.8% in 2008 but ebbed to a paltry 0.3% by 2010\(^9\). Looking at the period, this could be attributed to the global economic crunch that might have slowed down Chinese corporations’ investments overseas. However, with a bit of recovery in the global economy and the resilience of the Chinese industry, the trend changed after 2010.

UNCTAD’s World Investment Report shows that overall FDI inflows to Africa grew to $50 billion in 2012, a rise of 5% over 2011 figures. The report identifies investments in the extractive industry and the inflows from China as contributing factors. In the same year, the Continent’s GDP grew at about 5%\(^9\). With China’s growth prospects looking bullish, and the world economy slowly recovering, African economies look bright into 2015. On aggregate, Sub-Saharan Africa’s GDP growth is expected to average more than 5% over 2013-2015: 4.9%, 5.1% and 5.2% per cent for 2013, 2014 and 2015 respectively\(^9\).

In a summary, data show that the stock of Chinese investment in Africa has rapidly grown during the decade from under $500 million in 2003 to about $14.7 billion in 2011/12, representing a growth of more than 60% from 2009 data, culminating in $40 billion Chinese FDI in Africa by 2012.

During the same period, the number of Chinese firms investing in different sectors of the African economies has exceeded 2000\(^9\). The Chinese firms are mainly scattered across key sectors such as mining, oil and gas extraction, timber and wood processing, construction and agriculture.

Despite its promotion of commodity-based exports, China’s huge investment in the extractive industry has enabled many African countries to improve productivity and export earnings. For example, Sudan, a country that was an importer of oil prior to the arrival of Chinese investment, is now earning about $2 billion annually from the export of oil to China. Out of the 15 major firms operating in the Sudanese oil industry, 13 are Chinese\textsuperscript{95} among them, CNPC and Sinopec\textsuperscript{96}.

**Questions in the Sino-Africa Economic Relations**

There are many reasons why Sino-Africa economic relations are on the spotlight. In analysing China’s increased role in Africa, Alden\textsuperscript{97} argues that Sino-Africa relations can be best understood from three contrary strands of thought which can be summarised as China as a ‘Development partner’, China as an ‘economic competitor’ and China as a ‘coloniser’.

These categorisations of China in Africa are useful as they summarise the various questions that many have asked in connection with Sino-Africa economic relations. He explains ‘China as a development partner’ as the various efforts by China itself, driven by its economic needs, to share with Africa and other developing countries its development experiences. In return, having had disappointing results from the World Bank and IMF economic policies, African countries were eager to learn the Chinese model of development.

As an ‘Economic competitor’, China is engaged in a short-term ‘resource grab’ which, takes little account of local needs and concerns, whether developmental, environmental or with respect to issues of human rights. Coupled with Chinese manufacturing and trade wherewithal, this approach suggests that African development gains are

being challenged, if not undermined by Chinese competitiveness. It, therefore, demands that Africa protects its competitive advantages and interacts strategically with China.

China as a ‘Coloniser’ is based on the view that China’s new engagement in Africa is part of a long-term strategy aimed at displacing the traditional European orientation of the Continent by forging partnerships with African elite under the rubric of South-South solidarity.

Additionally, China has also been accused of involvement in the so-called 21st Century Scramble for Africa, unfair trade practices, labour exploitation, rendering support to pariah regimes through its non-interference policy, among others.

**Conclusion**

In order to steer development in the South, there is increased need for the African countries to demand for a fair economic relationship with China. This is only possible if they seek solutions to the issues raised above.

On the question of 21st Century scramble for Africa, the Continent should focus on seeking FDI that adds value to its raw materials in order to reduce dependence on commodity exports for foreign exchange earnings. This will also help the African countries to diversify their economies and begin to solve the twin-problem of unemployment and poverty.

On the question of unfair trade practices, African countries should stiffen their laws, and the enforcement thereof, to protect nascent industry and the emergent R &D experiments. Levels of transparency in the deals between Chinese firms and African governments, and elite business people need enhancement for the benefit of the wider section of the citizenry.

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98 Ibid.
99 Ibid.
On the question of labour exploitation, African countries should ensure that they enforce their labour laws without discrimination. These laws must clearly establish labour and environmental standards that employers should meet in different sectors of the economy.

On the question of non-interference, the African people should demand better leadership and reject any imposition of leaders upon them. Similarly, to avoid suspicion and enhance accountability, key agreements in Sino-Africa relations, should be subjected to ratification by people’s representative bodies at all levels.
Beyond State-Building
The Security Dimension of Labour Relations Conflicts in Africa’s Minerals Sector: Experiences from South Africa and Zambia

Oladiran Bello, Alex Benkenstein and Ross Harvey

Introduction

On 16 August 2012 South African police forces opened fire on a large group of striking workers at Lonmin’s mining operations at Marikana in South Africa’s platinum belt, killing thirty-four miners. In the preceding days ten people had been killed at the protest site, including two policemen. The violence on 16 August was the nadir of a much wider breakdown of labour-employer relations, with strikes occurring at other platinum operations earlier in the year and subsequently spreading throughout the platinum and gold sectors.

The grievances expressed by workers at Marikana and other sites in South Africa in 2012 are increasingly common among workers elsewhere on the continent in the context of a dramatic growth of investments in Africa’s extractive sectors over the past decade. In 2010 Chinese managers at a Zambian copper mine opened fire on protesting employees, injuring eleven miners. In August 2012 a Chinese manager was killed by protesting miners at the same mine. Protests have continued intermittently in Zambia’s copper belt and the relationship between Zambian mineworkers and foreign investors has become a central aspect of the country’s political dynamics. Mine workers and affected communities frequently express an acute sense of exploitation and marginalization, often directed at large mining companies.

Yet the reality is more complex. In Marikana tensions between competing unions contributed to the escalation of conflict. Moreover, the local government, much like other municipalities in South Africa, is characterised by poor service delivery, limited engagement with communities and alleged corruption. There is thus a need to consider
the security implications of labour relations conflicts in the mineral sector within the context of widespread poverty and inequality, as well as broader governance and service delivery challenges in the region.

The increasingly violent nature of labour relations conflicts in the minerals sector testifies to the breakdown of conflict resolution mechanisms that could mediate and mitigate conflict between stakeholders in various African mining jurisdictions. While conflict between stakeholders in many economic and socio-political settings is common, such conflict is generally resolved without escalating into overt forms of violent protest and suppression. If Africa is to benefit from the recent resurgence of the mineral sector and prevent destabilizing security impacts, it will be essential to develop and maintain institutions aimed at conflict management and the maintenance of a stable socio-political environment that is supportive of investment activity as well as workers’ rights and socio-economic development.

Given the centrality of the extractive industries to many African economies, the chapter explores the challenges that conflicts in Africa’s mineral sector pose to wider governance and security arrangements. The first section of the paper provides a conceptual framework to understand the governance and security implications of labour relations conflict on the continent. The link between resource wealth and traditional security concerns such as the risk of civil war has been explored extensively in the literature on ‘resource curse’. The current chapter, however, positions the analysis of labour relations conflict in a broader, human security dimension, emphasising the link between multi-level governance and human security. Section two and three explore the selected case studies of South Africa and Zambia, respectively, while the concluding section addresses policy implications emerging from the case studies.
Conceptualising forms: Mining-related Tensions and Broader Insecurity

The experience of labour tension and violence in Africa’s minerals sector and their particular mode of articulation into pre-existing (in)security and (mis)governance complexes varies widely across different national contexts. Beyond the well documented labour unrests in South African and Zambian mines, similar incidents seem to be on the rise, including a confrontation in Sierra Leone in April 2012 that has attracted the attention of major international campaign groups. In this case, a mine workers’ demonstration in the northern town of Bumbuna, purportedly over union membership rights, pay and working conditions spun out of control, leading to police killing at least one protester and wounding another eleven.¹

At times viewed as isolated incidents within the individual countries, and seldom analysed for recurring patterns, these mining-related protests, violent labour action or major security incidents are undoubtedly on the rise across Africa. Drawing a clear distinction on their qualitative character, drivers and specific mode of expression across countries is therefore an urgent task. At the same time, this can contribute to a deeper reflection on the variations in actor configuration, interest articulation, governance responses and the prevailing policing cultures in the different contexts affected by mining labour unrest.² Furthermore, teasing out recurring patterns to better understand how mine workers’ protests or violent actions articulate into broader governance and security dynamics – in a manner that also pays due attention to the above context-specific characteristics – can create possibilities for experience-sharing beyond national borders.

Labour Tension and Insecurity: A Continuum

It is important to distinguish between insecurity as a generalised category and specifically mining related violence such as the inter-union rivalry and violent miners’ protests seen in South Africa in the lead-up to and since the Marikana tragedy. How - and to what extent – can both be distinguished or prised apart? In a context like South Africa, rising labour tension is directly associated with growing popular perception of insecurity in mining areas specifically and society more generally.

At the same time, mining related tension itself reflects and arguably feeds on certain underlying societal dynamics and political-economic substructures, most notably manifested in the form of poverty, inequality and service delivery failures. Whilst the latter set of factors is especially endemic to mining dependent households, families and communities, they are hardly confined to this segment of the society.

In fact, they extend into myriad other economic sectors in South Africa’s case, including agriculture, where wage demands and violent forms of worker protestations have occurred in parallel with those on mines in recent times. Similarly, welfare-related strikes have also affected South Africa’s transport and textiles sectors.

Even though the particular form of disaffection that governance failures provokes in affected communities (and the specific form of expression that they elicit) differ across space and time, the effects are to all intent and purpose similar in terms of their influence on the perception and reality of macro-stability and economic indicators.\(^3\) In this sense, sector specific instability and insecurity represent distinct – and at the same time interrelated - elements along the insecurity continuum facing society.

Despite the interrelationships mentioned above, labour tension and strike-driven insecurity in mining areas also manifests in several distinct forms. First, some of the worst manifestations of violence around strike actions have come in the form of picketing and attempts to physically intimidate or prevent workers willing to go work from doing so by groups of striking miners.

Confrontations between police and strikers are another form of strike-related violence, as seen in both the Zambian and the Sierra Leonean examples. Third, clashes between opposing groups in a strike situation have also sometimes resulted in major tensions and casualties. This is the one arena where inter-union rivalry collides with large, violent worker protestations as affiliates to opposing unions confront one another as a concrete expression of their differing position and attitudes to particular strike actions called at a mining operation or even an entire sector. Incidents involving violence against employer representatives by protesting workers have also been extensively documented.

**Globalisation and Technology in Context**

Globalisation of ideas and real-time transmission of experiences and images across distinct world locales means that emerging forms of violent protestation – including those between employers and labour in the mining sector – have a qualitatively different character from previous eras. First, in terms of the *means* of mobilisation and *medium* for communicating protest, modern technological gadgets and social media platforms now play a prominent, certainly unprecedented, role in facilitating some of the recent mass actions to demand social changes.

This has been demonstrated in the Egyptian revolution and the broader ‘Arab Spring’ uprisings throughout North Africa and the Middle East in 2011. More recently, the violent overthrow of the Ukrainian government followed a similar pattern, with citizen mobilisation relying heavily on modern means of communications, especially social media platforms.4 In

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contrast, more traditional means of mobilisation have been used in recent violent uprisings involving miners in South Africa. Even though new media also played some role in strikers’ mobilisation in South Africa, its extent by most accounts has been modest when compared to the other examples mentioned. This is not surprising, given the extent to which path-dependence is at work in the South African case.

Violent mine uprisings have been a prominent feature of South African mining since its inception in the late 1800s, and violent service delivery protests became a primary means of anti-apartheid struggle. Both are strongly inter-related in a post-apartheid context, but not exclusively so. In Zambia, by way of contrast, the history of labour violence dating back to the early 20th Century is not embedded in efforts to make the state ungovernable per se, but has been predominantly characterised by miners facing off against the police.

Comprehensively accounting for and explaining this difference - between experiences elsewhere on the continent and our particular cases- requires careful, detailed research, although in the interim, a number of factors can be tentatively adduced to explain these differences in the role of new technology.

The key indicative factors in this regard include the geographical area and focus of mass action (limited to communities where mining operations and mine workers are situated); the demographic (mostly middle aged strikers and the generally low level of internet penetration within the mining workforce in African jurisdictions); and agenda/issue articulation that does not require extensive mobilisation of remotely-based constituencies (demands immediately focused on wage increases for miners, rather than more complex forms of political articulation). New media has time and again proved its utility in connecting and facilitating mass action involving a protest constituency dispersed across a wide geographical area.

Whilst only tangential to the focus of this chapter, distinguishing such means and modalities for mobilisation in case-study contexts (and other representative African examples like Sierra Leone) can enrich our analysis and understanding of the sociology of mining-related violence and insecurity.

**Understanding Drivers: (Mis)governance and Insecurity**

To trace governance-related insecurity to mining related violence, there are at least five broad channels by which extractive sector dynamics are transmitted into the broader governance and security realm, which therefore warrant closer examination. These channels, to the extent that they provide a structure, can contribute to a better understanding of the links between violence in the mining sector as a form of social expression and how this is located in broader, underlying governance and social systems.

Structuration of this sort also holds important implications for the specific forms of policy interventions that will be needed ultimately to address and transform situations of insecurity broadly speaking, and their particular forms and expression in the extractive arena more specifically.

Whilst country level nuances are important, as a general rule, the governance and insecurity interface in various mining jurisdictions – from the platinum belt in South Africa’s hinterland to Zambia and the DRC’s copper belt – can be encapsulated in five broad channels:

i.) the macro-economic framework: essentially prevailing economic orthodoxy and the extent of inclusive access to economic opportunities;

ii.) macro-security framework: community policing culture which takes more proactive heed of working class concerns, as opposed to law enforcement arrangements that are perceived by workers to be skewed towards protecting capital and property rights and owners;
iii.) redistributive mechanisms and social safety nets: perceptions and reality of economic rent distribution including issues of executive pay;
iv.) mine workers’ rights, conditions and welfare benefits: physical work conditions and service provision in mining residential areas; potential for training and professional advancement; worker representation, balloting rights on strike actions and workers’ perception that they have a democratic voice;
v.) the overarching corporate governance ethos, including the possibility of co-determination between employers and workers, other participative schemes such as employee share and ownership schemes, etc;

The ‘resource curse’ literature consists of three broad strands that attempt to explain and assess evidence for the apparent relationship between natural resource abundance and slow growth, underdevelopment and violence. One of the primary strands suggests that resource abundance in contexts of existing insecurity can account for the onset of civil war.5 Natural resource wealth provides sufficient material resources to rebel groups to overcome the collective action problem and take up arms against the ruling party. Other factors, such as the constitution of interests within rebel groups, account for civil war duration and the relative success of rebel groups.6 This literature has been highly contested and is moving toward a consensus that institutional quality at the time of discovering resources best explains ultimate development outcomes.

Whilst informed by the broad literature on resources and conflict, the analysis in this article is not bound by that body of theoretical contribution and falls outside the ambit of cases in which resource

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wealth is thought to account for the onset of civil war specifically. Our analysis seeks rather to consciously transcend the resource curse literature by situating the discussion of selected case study countries at the interstices of extractive governance, human development and human security challenges.

Reflecting on the notion of human development as a requisite minimum condition for effective security, Jakkie Cilliers distinguishes two components of a state’s governance architecture which are central to this article’s understanding of the governance-security link. It is a notion of human security as a more encompassing form of security, “the first component [being] the traditional instruments of national security, namely: the criminal justice system (police, justice and correctional services/prisons), the military and the intelligence community, [and] the second relating to the nature of governance, its institutions and the rules, norms and values that underpin it”. 7

Our study therefore takes an expansive approach to understanding human security, approximated for example in the African Non-Aggression and Common Defence Pact, which states that:

“human security means the security of the individual with respect to the satisfaction of the basic needs of life; it also encompasses the creation of the social, political, economic, military, environmental and cultural conditions necessary for the survival, livelihood, and dignity of the individual, including the protection of fundamental freedoms, the respect for human rights, good governance, access to education, healthcare, and ensuring that each individual has opportunities and choices to fulfil his/her own potential.”

In short, this is multi-level governance as human security. This broad

and elastic interpretation of human security encapsulates sufficiently all of the five key transmission channels in the governance and security interface as outlined above and in the rest of our analysis. Following this approach, another earlier contribution has argued that human security should include the notion of ‘structural violence’, referring to the structure of the relevant political-social system (such as apartheid) or the global trading system.\(^9\)

**Labour Tensions in South Africa’s Mining Industry and Broader Security Concerns**

On August 16, 2012, South Africa was plunged into tumult. 34 mineworkers were shot dead by police – and a further 78 injured – during strike action at Lonmin’s Marikana mine on the platinum belt. Many were shot in the back, raising stark reminders of the 1961 Sharpeville Massacre. Sharpeville turned out to be a turning point in South Africa’s resistance against the apartheid regime, raising questions about whether Marikana was of similar significance. The evidence is clear that the South African Police Service (SAPS) has become increasingly militarised since 2009, cracking down violently on service delivery protests.\(^{10}\)

At the heart of the Marikana strike action was a disjuncture between demands of shaft-level mineworkers and National Union of Mineworker (NUM) bosses’ incentive structures. Rival union, the Association for Mineworkers and Construction Union (AMCU), exploited the rift within NUM, resulting in a mass exodus of upward of 80,000 workers joining AMCU post-Marikana. This altered the distribution of power across the industrial relations landscape in South Africa.

Prior to violent strike action commencing in early 2012, NUM had

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essentially dominated the union market in the mining industry. A key member of the Congress of South African Trade Unions (COSATU), itself a member of the Tripartite Alliance (South Africa’s ruling coalition), NUM had always been highly influential in representing worker interests. Marikana changed that almost overnight, with ensuing inter-union rivalry – attempts to maintain and gain dominance by NUM and AMCU respectively – essentially creating a prisoners’ dilemma: each union now has to bargain for wage demand increases that are in reality unattainable in a bid to appear credible to its respective members. Mining companies claim they cannot afford such high wage increases without restructuring and shedding labour, hence the seemingly unbreakable dilemma. For as long as the dilemma persists, unions are likely to value violence over cooperation in attaining their objectives. 11

This analysis is borne out by the fact that nearly 18 months after Marikana, a NUM-organised strike at Northam Platinum’s Zondereinde Mine lasted for 77 days at the end of 2013 and into 2014, costing the company over ZAR 500m in lost productivity and ZAR 100m in foregone wages. This strike had barely come to an end when AMCU mobilised upward of 80,000 members to strike across South Africa’s three largest platinum companies – Anglo Platinum (Amplats), Impala Platinum (Implats) and Lonmin. Amplats warned that this would quicken the company’s restructuring plans, leading to job losses that had already been delayed after government’s intervention in early 2013.

The company estimated that it would lose 4,000 ounces of platinum production per day. At the current platinum price of US$1420, that is a productivity revenue loss of roughly US$4.7m per day. If wages are calculated at roughly a fifth of that, foregone wages are slightly under US$1m per day. If Amplats retrenches only 3000 workers, at an average

10:1 dependency ratio on mining jobs in South Africa, the result is approximately 30,000 citizens without an income and consequently dependent on the state. Most concerning, however, is how such dynamics contribute to national and regional insecurity.

In the context of anaemic growth, (estimated at 1.9% for 2013 and projected by the World Bank to reach only 2.7% in 2014), increasing inflation rates (import-driven and thus exacerbated by a weakening currency) and record levels of unemployment (around 40% on a broad definition), continued unresolved strike action in the mining sector may well have a catalytic effect that destabilizes South Africa’s relatively hitherto peaceful post-1994 context. This hypothesis is explored below in light of a data-driven trend analysis through the theoretical construct of a ‘violence trap’.

**Industrial Action in a Broader Context**

The Department of Labour’s Annual Industrial Action Report records that in 2012, ‘the country’s total working days lost in 2012 were estimated at 3,309,884 where 241,391 workers participated across all economic sectors; 57.5% of the total workers involved in the labour unrest were from the Mining sector where a wave of wildcat actions was observed’. 12 ‘Wildcat’ strikes refer to strike action that is legally unprotected - unapproved by the Council for Conciliation, Mediation and Arbitration (CCMA). Unprotected strikes are highly likely to result in lost employment by those who engage in them, especially if they are workers on short-term contracts. Of the 99 strikes recorded by the department in 2012, 45 were unprotected.

The report further notes that in total, strike action cost the country about ZAR 6.7bn in foregone wages in 2012, an increase of 509% from the ZAR 1.1bn lost in 2011. ‘Working days lost by industry were mostly

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prominent in the mining sector (82.4%), followed by the manufacturing (5.7%), community (4.1%) and agriculture (3.7%) sectors in 2012.’ In 2012, most workers who were involved in labour unrest were from NUM.13 At the time of writing, the AMCU strike had already cost over ZAR 8.3 billion in foregone wages for 2014 alone, with no apparent end in sight. Consequent restructuring – substituting labour for mechanisation – is also likely to mean that many striking workers will no longer have a job to which to return.

According to the 2012 South Africa Survey, man days lost as a result of strikes has risen steadily (with occasional spikes) from 100,000 in 1979 to 6.2m in 2011. In 2011 alone, 1133 working days per 1000 employees were lost in the mining sector. Manufacturing and services were the closest competitors at around 500 days lost per 1000 employees (South Africa Survey, 2012). By 2012, that figure had risen to 7642 working days lost in mining per 1000 employees, with the closest competitor being 180 in agriculture. This distribution, given mining’s central role in the South African economy, raises the risk of political instability substantially and poses a considerable security threat. The Industrial Action Report further notes, for instance, that ‘the 2012 mining strikes were prominently violent and illegal’.14

**Limited Access Orders and ‘Violence Traps’**

In their seminal book, *Violence and Social Orders*, scholars Douglass North, John Wallis and Barry Weingast (hereafter NWW) explore the connection between violence and socio-political change.15 Societies have, through history, used institutions to limit and contain violence by shaping the incentives faced by individuals and groups with access

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14 Ibid.
to violence. Institutions are conceptualised as the humanly devised constraints or ‘rules of the game’ within which organisations play. Most societies are characterised by what NWW call a ‘natural state’, or ‘limited access orders’ (LAOs), where personal relationships among the elite at once form the basis for political organisation and constitute the grounds for individual interaction. It is ruled by a dominant coalition and those excluded have only limited access to organisations and valuable resources (rents).

LAOs are categorised along a continuum from ‘fragile’ to ‘basic’ to ‘mature’. Fragile orders are those in which the dominant coalition is highly insecure in its position, as it does not possess a monopoly on the use of violence. These shortened time horizons tend to result in rapacious rent-seeking that causes economic inefficiency and declining welfare. Basic orders are exemplified by a more stable coalition; external threats are less credible than under a fragile setting, but most organisations are excluded from access to political and economic opportunity, and personalised exchange remains the order of the day.

Mature orders are those that have some respect for the rule of law as an embedded norm; the judiciary and the media provide a relatively substantial constraint on the abuse of power by elites in the dominant coalition. But patronage remains a dominant feature of the relationship between citizens and the state. It is a mechanism for co-opting non-elites as a cost-effective means of preventing uprisings against the coalition. Democracy in all of these settings is more a reflection of patronage-induced loyalty than a means of genuine accountability, but to differing degrees.

By way of contrast, very few modern societies exhibit ‘open access orders’ (OAOs). These orders are depersonalised, in that economic development occurs within a framework of impersonalised forms of exchange, where impersonal third parties credibly enforce contracts. Democracy – as defined by the presence of elections – is a necessary but insufficient condition for OAOs to emerge. The rules of the game
have to become depersonalised and access to power and resources has to become inclusive.

South Africa is – in light of the above categorisations – a mature limited access order. The ruling coalition increasingly grants its members special privileges in the form of patronage (cadre deployment and tenders for politically connected entrepreneurs). Not only that, more overt extortion is now surfacing, especially in the arena of mineral rights management – the latest evidence suggests that Goldfields paid a bribe (in response to a political threat) to secure a conversion of an old order mining right to a new one for its most profitable remaining reef.

More generally, a 50% youth unemployment rate and a 40% overall unemployment (broadly defined) suggest that the majority of the labour force remains excluded from access to economic opportunity. The ruling elite creates rent streams for itself, which it then has an incentive to protect by limiting access to outsiders, as broad access is costly to individual members of the ruling coalition.

The NUM is one player within this ruling coalition. It has a particularly strong incentive, under the current labour relations regime, to exclude rival union AMCU from the spoils of being the officially recognised union on any given mine or set of mines. Both NUM and AMCU know that inter-union violence erodes the available rents, as mining profits fall on the back of reduced productivity. But each presumably values the long-run benefits of official recognition sufficiently to warrant the costs of violence.

The problem is exacerbated by the fragility which besets the region. South Africa, for all its difficulties, remains the economic powerhouse of southern Africa. That many of its neighbouring countries are mostly basic LAOs (with Zimbabwe in the fragile category and Botswana an exception on the mature end) means that access to economic opportunity is regionally limited. Economically driven migration then perpetuates the abhorrent migrant labour system on South African mines. Migrant labourers from Lesotho, Swaziland, Zimbabwe, Mozambique and Malawi are prepared to accept the lowest-paid jobs, but tensions arise nonetheless as competition for scarce resources (especially municipal services) intensifies in communities around the mines. With the high average dependency ratio on a mining job - higher for each migrant labour job at the low end of the pay spectrum – workers’ susceptibility to extortion from loan sharks is amplified and the social melting pot raises the spectre of repeated Marikana-type tragedies. 19

Politicians in both natural states and OAOs want to create rents; rent-creation simultaneously rewards their supporters and binds their voters to support them. The difference is that in OAOs, the creation of new entities to compete for rents is accepted; the creation of new interests and the generation of new sources of rents occur continuously. But NUM, through its parent body, Cosatu, has direct access to South Africa’s ruling coalition and is therefore opposed to the entrance of new players to the bargaining game. NUM, through the employment of violence (returned in kind by AMCU) and exclusion, is carefully guarding its rent-stream.

The high level of violence in South African society more broadly 20 is arguably a reflection of a political system that is democratic in name


but functionally a mature LAO. This raises the question of whether South Africa is caught in a ‘violence trap’ that threatens its stability, preventing it from transitioning to an OAO.

In extending the work of the NWW framework, Cox, North and Weingast (hereafter CNW) conceptualise a ‘violence trap’ as a scenario in which ‘developing countries face an increasing returns problem in the control of violence… the main way to raise the cost of domestic fighting is to promote widespread Smithian specialisation in the economy; and domestic actors will be able and willing to invest in such specialisation only if political reforms…are already in place. Thus, complex specialised economies capable of providing sustained growth cannot be established without reformed states and reformed states cannot be created without complex specialised economies’.21

**Continued Mine Strikes Raise Risk of ‘Violence Trap’**

Mining contributes 9% of South Africa’s GDP directly, with the indirect contribution estimated at 18%. The indirect impact is large because of the multiplier effect along mining’s value chain. Both upstream and downstream industries are supported by the industry. Manufacturing and services were borne out of mining. Opportunities for Smithian specialisation exist predominantly in these sectors, which depend both on the continued expansion of the mining industry and political reforms that boost private investor confidence among domestic and international actors. However, the industry contracted at a rate of 1% per annum between 2001 and 2008, the longest sustained commodity boom in recent history.22 South Africa’s competitor mining jurisdictions were growing at an average rate of 5% per annum over the same time period. Therefore, the opportunities for specialisation in the economy,

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compounded by the over-supply of unskilled (and largely uneducated) labour are severely limited.

Similarly, political reforms in the direction that would attract private investment to create specialisation opportunities are absent. The Department of Trade and Industry recently cancelled a series of Bilateral Investment Treaties (BITs) with European trade partners, for instance,\(^{23}\) a move that has contributed in no small measure to credit ratings agencies warning of impending downgrades for the country. Amendments to the Mineral and Petroleum Resources Development Act (MPRDA, 2002), currently awaiting the president’s signature, also do little to re-establish investor confidence, especially given the suspension of parliamentary rules by the ruling party to ensure its passage.

The 2013 MPRDA Amendment Bill is plagued by definitional ambiguity; lack of clarity on a number of crucial issues such as allocation procedures for mining rights and which minerals are to be declared ‘strategic’ (section 26); and extensive ministerial discretion. Finally in this regard, recently legislated amendments to the Labour Relations Act rejected the attempted introduction of balloting. Balloting would have democratised labour relations significantly in that it would require union bosses to elicit actual worker preferences before calling a strike. It would not resolve the problem of violence and intimidation against non-striking workers per se, but may prevent strikes from occurring as often. Either way, the probability of attracting necessary private investment for economic growth that aids specialisation is being diminished.

Mining earns approximately 60% of South Africa’s foreign exchange revenue. The industry’s contraction therefore contributes to a widening current account deficit (already high at 6% of GDP),\(^ {24}\) which fuels


import-driven inflation. This inflation ironically erodes wage gains for which unions bargain; this in addition to lost wages, which remain uncompensated for by marginal pay increases. Job losses invariably ensue in the wake of uncompromising wage negotiations too, eroding the expenditure multiplier through the economy and placing increasing strain on the state to provide for the newly unemployed and their dependents. Anaemic growth throughout the remainder of the economy (largely a function of mining’s decline, given the value chain implications) further undermines opportunities for specialisation.

In light of the definition provided by CNW, it appears very much as though South Africa is in fact caught in a ‘violence trap’ – opportunities for specialisation are largely absent, and political reforms to attract investment to create such opportunities are unlikely to be forthcoming. Marikana was arguably a predictable ‘episode of violence’ that erupted as a result of this trap, after which ‘factions in a natural state have a choice. They can retain their state’s natural institutional design, by creating rents, limiting access and fostering personal commitments among regime insiders… Or, they can attempt economic and political reform by (1) lowering rents, (2) relaxing limits on access, and (3) fostering impersonal commitments’.25 As things stand at the moment, the incentive structures of the elite bargain between COSATU and the ANC – that holds the dominant coalition together – seem unlikely to achieve any of these three conditions.

South Africa thus faces a considerable internal security risk. Although South African state institutions remain strong, the unrest in the South African mining sector has brought to the fore failures in aspects of the traditional security structure, particularly with regard to public order policing, while also underlining the broader human security dimensions of economic marginalization, service delivery failures and inequality.

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This analysis is further supported by the Economist Intelligence Unit’s ranking South Africa as one of a handful of ‘high risk’ countries for social unrest in 2014. By way of comparison, Zambia and Mozambique were categorised as ‘medium risk’ countries. Mozambique is of course prone to a very different kind of violence to South Africa. For instance, it is less likely to be characterised by Marikana-type events than by a RENAMO insurgency.

**Labour Relations in the Zambian Copperbelt**

When Zambia declared independence from Britain in 1964, it was producing 12 percent of the world’s copper supply. Nationalization of Zambia’s copper mining industry under the Zambia Consolidated Copper Mines (ZCCM) was seen as a central vehicle for the country’s post-colonial development. As in South Africa, the mining sector had been at the forefront of labour unionization and labour unions had also participated in broader political movements – the African Mineworkers’ Union (AMU), established in 1949, was a significant contributor to Zambia’s independence struggle. Labour unions supported moves by Zambia’s first president, Kenneth Kaunda, to nationalise key sectors of the economy during the first decade of independence, particularly the strategically important copper mines. In an environment of historically high global copper prices, ZCCM provided for the rapid expansion of employment on the mines combined with broad social investments in areas such as schooling, accommodation, and the adoption of a ‘cradle

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26 We are aware of the potential objections to the EIU’s ranking in light of past predictions having been inaccurate. However, events in South Africa in 2014 appear, unfortunately, to be conforming to the prediction.

27 Social or political unrest is defined as developments that pose a serious threat to governments or the existing political order.


to grave’ model of social welfare. During this time there was also an increasing centralization of power within the Kaunda government and a suppression of political competition. In 1972 the government declared its intention to turn Zambia into a one-party state, which was subsequently adopted in the 1973 Constitution, which declared the United National Independence Party as the only political party allowed to exist in Zambia, and also curtailed civil liberties.

The collapse of global commodity prices in the mid-1970s fundamentally undermined the promise of continued development and stability pursued by the nationalisation programme. From 1970 to 1976 the mining sector’s contribution to government revenues declined from around 58% to only 3%. The collapse of the economy stimulated a broader call for multi-party democracy, leading to elections in 1991 in which the Movement for Multiparty Democracy (MMD), under the leadership of Frederick Chiluba, unseated the Kaunda government.

The MMD government instituted far-ranging reforms in the course of the 1990s, with the state significantly decreasing its role in the economy as well as diminishing its role in social services provision. This process was closely tied to the requirements of international financial institutions as conditions for loans to the cash-strapped Zambian government. A major focus of the reform process was attracting investment into the Zambian economy, with the result that foreign investors were provided highly generous concessions. Under the Investment Act and Mines and Minerals Act of 1995 foreign investors negotiated investment terms bilaterally with government through Development Agreements. The Development Agreements provided for highly generous tax concessions, stability periods of 15 to 20 years, and extremely low royalties – often

31 Ibid.
as low as 0.6 percent. Development Agreements have also been criticized for lack of transparency, contributing to a sense of mistrust and marginalization within Zambian communities.

**Chinese Investments and Labour Tensions**

The liberalization of Zambia’s economy in the late 1990s coincided with China’s “going out” policy of wider expansion and investment in the global economy, including resource investment in Africa. The first major Chinese investment in Zambia was the acquisition of the Chambishi mine by China Nonferrous Mining Group (CNMC) in 1998. Since then Chinese firms have invested widely in Zambia’s copper mines, but also in coal, manganese and nickel mines, as well as other sectors such as textiles. It is estimated that total Chinese FDI in Zambia exceeds $2.5 billion. While investments by Chinese-based companies have received considerable attention, the country has also attracted investments from a number of multinational mining companies from other regions including Glencore Xtrata, First Quantum Minerals and Vedanta. Buoyed by a strong recovery in commodity prices and investment and recapitalization of the country’s mines, Zambia’s copper production grew from 250,000 metric tons in the late 1990s to over 900,000 in 2013.

The revitalization of Zambia’s mining sector, despite an increase in production, has been attended by significant tensions and ambivalence about the role of foreign investors in the country. Much of the criticism levelled at foreign investors has focused on labour conditions, compensation, and the limited revenues that the state receives from the mining industry. According to the 2013 Africa Progress Report Zambia collected only $240 million in tax mining revenue from $10 billion

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in mineral exports during 2011, while the Zambian government has claimed that it has lost $2 billion in revenue during 2012 due to tax avoidance in the mining sector.\textsuperscript{37} Labour conditions have been widely criticized, particularly following the publication of a Human Rights Watch report in 2011 outlining labour abuses in Chinese state-owned copper mines.\textsuperscript{38} The allegation that Chinese mining firms in Zambia are uniquely exploitative of Zambian labour has been challenged,\textsuperscript{39} in that that wages in Zambia have generally been poor due to the widespread use of contract labourers, who are paid significantly less than permanent employees. The use of contract labourers is prolific in Zambia’s copper belt, particularly following significant job losses during the global financial crises. Nevertheless, Chinese firms have come under increasing scrutiny for paying low wages, offering limited benefits, and requiring employees to work long hours under difficult and unsafe conditions.\textsuperscript{40}

Anti-Chinese sentiment became a central aspect of political debate in Zambia, particularly as the leader of the Patriotic Front (PF), Michael Sata, employed this theme to build support in the 2006 elections and eventually bring the PF to power in the 2011 elections. A survey conducted in 2009 indicated that 41.8\% of Zambian respondents ‘agree’ or ‘strongly agree’ with the idea that China practices neo-colonialism in Africa, close to double the 21.4\% recorded for equivalent responses in other African countries.\textsuperscript{41}

Tensions between Zambian workers and Chinese mine managers have at times erupted into open conflict. In 2006 Chinese mine managers opened fire on protesting miners at Chambishi Copper Mines,
wounding six Zambian miners. A year prior to this incident, the mine had been the site of one of the worst industrial accidents in Zambia’s history when 46 Zambian miners were killed by an explosion. In 2010 two Chinese managers at the Collum Coal Mine also fired on protesting miners, injuring 11 miners.

While the violent incidents at Chinese owned mines have been ascribed in part to cultural and language differences, they may also be seen to reflect a broader crisis on the part of the Zambian state to accommodate the economic demands of important sectors of society and successfully mediate societal tensions that have emerged as a result. CNW have highlighted the role that rent distribution plays in maintaining political stability. Their argument that “providing reliable means to resolve economic and political disputes non-violently is crucial to economic performance” may indeed be extended to political stability and state legitimacy. In this sense, the unrest at Zambian mines emphasises shortfalls within the broader economic framework, with regards to rent capture and redistribution, as well as corporate governance failures. Working conditions and compensation have further been central drivers of conflict between mineworkers and managers. The Zambian case thus illustrates how the various transmission channels outlined in the opening section contribute to a breakdown of the incentive structures and institutions that ordinarily maintain stability and avert violent confrontation between labour and employers.

Zambia’s colonial and post-colonial history has been relatively peaceful. Protests and demonstrations have been important forces in Zambia’s political history and the country experienced coup attempts in 1980, 1990 and 1997, yet Zambia did not experience extensive armed struggle against colonial rule or the outbreak of civil war during the realignment of powers in the post-colonial period (often associated with broader Cold War struggles), as was the case in Zambia’s neighbouring states of Angola, Mozambique and the Democratic Republic of Congo. From independence in 1964 until the transfer of power during the
1991 elections, the Zambian state, through Kenneth Kaunda’s UNIP government, was able to balance repression and accommodation responses to political challenges. State capacity, however, is central to the ability of the state to pursue repressive and accommodative strategies. The economic difficulties of the 1970-80s undermined the state’s ability to maintain political stability through the capture and distribution of rents, and rising tensions found expression in extensive strikes in 1981, protests in 1986 and 1987, and violent riots in 1991. Ultimately the Kaunda government acceded to demands for reform by amending the Constitution to allow for the establishment of other political parties and holding elections in 1991. The extent of the disaffection with the Kaunda government was revealed at the polls, with the MMD gaining 76% of the votes.

**Rents, Conflicts and Reform**

Theories of the state have long emphasised the role of conflict and violence. Max Weber’s definition of the state as a “human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory” has informed more recent writing on failed, weak or fragile states, as exemplified in Robert Bates’ argument that “the mark of state failure is the government’s loss of its monopoly over the means of coercion”. Numerous authors, however, have placed a greater focus on the role of supporting economic activity and providing social services as key to state capacity and legitimacy. Camilo Ruiz has argued that “the success of modern states cannot only be defined by the monopoly of violence; states must be seen as institutional actors responsible for the provision of certain amounts of material welfare.

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State failure, then, cannot be defined simply as the loss of the monopoly of violence, but also as the inability of the state to fulfil these basic obligations....

Although the privatisation and liberalisation reforms implemented by the MMD government did lead to an influx of foreign investment and a steady growth in GDP, Zambia remains a poor and highly unequal society. From 1991 to 2010, the 19 years in which the MMD was in power, the proportion of Zambians living in extreme poverty was reduced from 58% to 42.3%, while inequality has worsened. Extreme poverty is four times higher in rural areas, where limited access to physical and social infrastructures, such as roads, electricity and medical facilities impede development.

The extremely generous tax concessions and widespread tax evasion have already been discussed. State capacity exists on a continuum and it is therefore not the contention that Zambia is a failed state, however, it is clear that the Chiluba government struggled to capture rents and employ these resources to accommodate societal tensions. Moreover, the liberalisation process had entailed a significant curtailment of social services delivery, including in areas of education, health and infrastructure.

Hess and Aidoo have argued that, while neoliberal reforms largely preceded the expansion of Chinese involvement in Zambia, China and its firms, citizens and influence have received a great deal of blame for all manner of problems associated with the reform process. Michael Sata both capitalised on existing anti-Chinese attitudes and encouraged

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47 It is important, however, to acknowledge that for the first 9 years of that period, 1991 to 2000, poverty levels rose and Zambia’s Human Development Index declined from 0.42 to 0.35.


such sentiments through his political rhetoric. Following his election there were clear efforts to address what Chauvet and Collier have termed the “socio-economic functions” of the state.\textsuperscript{50} Tax concessions to the mining sector were cut, royalties were increased, a property tax was introduced on the sale of transference of mining rights, and minimum wages were increased. Laws have also been introduced to clamp down on tax evasion in the minerals sector.

The state’s more assertive position was evident when it revoked the mining licenses of the Chinese operators at the Collum Coal Mine in February 2013 due to violations of safety and environmental laws and its failure to pay mineral royalties. This followed protests at the mine in August 2012 at which a Chinese mine manager was killed.

As the PF government has sought to position itself as a more legitimate and effective mediator of conflicts related particularly to the country’s mining sector, however, there have also been clear efforts to move away from anti-Chinese rhetoric and accommodate the interest of China as the largest foreign investor in Zambia. This includes a state visit by President Sata to China in April 2013 during which he paid tribute to China’s contribution to Zambia’s development.

Zambia’s recent history has shown the political consequences that may follow from the failure of the state to effectively mediate conflicts that emerge between workers and employers. In sub-Saharan Africa this conflict often takes the form of local workers coming into conflict with foreign investors.

It should be emphasised that the conflicts and political changes that Zambia experienced did not lead to a failure in the basic institutions of political authority, in that power was transferred through elections in 1991 and 2011 and the basic functions and structures of the state, though admittedly weak in terms of social service delivery, remain in place.

Beyond State-Building

CNW have noted that “a developing country’s environment involves regular changes, shocks and crises. Many of these dynamic elements alter the balance of power so much that the existing distribution of rents and the existing matrix of commitments become inadequate to maintain cooperation and prevent violence”. The violent protests and deaths that have occurred in Zambia’s copper belt as a result of tensions between workers and employers are an illustrative example of how the breakdown of labour relations can threaten the existing balance of power.

Conclusion

Violent protests and conflicts at mine sites are undeniably becoming more frequent in many African mining jurisdictions. The existing literature on the correlation between resource abundance and violent conflict, framed largely in terms of the risks of civil war and state failure, does not provide an adequate framework through which to explain and address these conflicts. While often localised, labour conflicts at mine sites are an expression of broader institutional conflicts, in which the structure of incentives and the distribution of rents play a central role. In this respect, widespread labour tensions in the mineral sector both attest to, and potentially further undermine, imbalances in the broader governance and human security framework. Historical, legislative and institutional contexts are important in understanding the form that such conflicts take in particular national settings. In Zambia, Chinese investments, and the often inflammatory anti-Chinese rhetoric employed to mobilise political support in electoral contests, has fundamentally shaped the socio-political environment in which Chinese mine managers engage with Zambian workers. In South Africa, the emergence of AMCU as a rival union to the dominant NUM, and the company-level and broader

legislative setting which has tended to protect the advantages of the dominant union, have raised the stakes in the competition for workers’ representation. In exploring such national contexts however, analysts should avoid reducing the complexity of such conflicts to a single driver, nor should the commonalities between such labour-related conflicts in numerous African mining jurisdictions be overlooked. The five transmission channels outlined in the opening section of the chapter, encompassing macro-economic frameworks, security institutions, rent distribution, workers’ rights and labour conditions, and the overarching corporate governance ethos, provide a framework to analyse the specific ways in which violent actions and insecurity in the extractive sector are manifested and mirrored in broader forms of insecurities in society. One major policy implication arising from our analyses is the need to consider a more encompassing form of security, specifically the broader human security dimension, when tailoring policy responses in order to address violent activity and labour tensions in the mining sector not just in their manifestations but also their root causes. The latter, ultimately, are embedded in broader socio-political and economic realities in those affected communities and ought not to be ignored or underplayed.
PART THREE

Exclusion and Marginalization
Women Substantive Representation in Local Governance in Cameroon

Justine Ayuk Fonjock & Joyce B. Endeley

Introduction

Since 1982, the proportion of women elected to local government in Cameroon has been on the increase, though timidly. The number of women in municipal councils has witnessed an increase from 336 in 1982 to 1,651 in the 2007 municipal elections. In the recent 2013 twin elections (municipal and legislative) over 2,500 women were elected in the 320 local councils in Cameroon.

This chapter examines the extent to which the observed increase in women representation in local government translate to women’s substantive involvement in local governance in Cameroon. Specifically, the chapter interrogates the extent to which the visibility and presence of women in local government transforms gender relations and address women’s strategic needs and interest in local governance.

The chapter is based on interviews conducted with 151 women local councillors selected from 31, out of the 67 councils of the two Anglophone regions of Cameroon (the North West and South West Regions). Anglophone regions in this study refers to regions where English is there dominant language of expression. Being regions with a history of a decentralised system of governance, the general expectation would be that men and especially women would find it easier to participate in

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2 Anglophone Regions in this study refers to regions where English is the dominant language of expression; i.e. the former British West Cameroon

3 Data in this chapter is drawn from a PhD research on “the Effects of Gender Relations on Women Councillors’ participation in the Governance of Selected Council Areas in Anglophone Cameroon”; Justine Ayuk (2012).
activities and decision-making processes in local government. Although the degree of autonomy of local government systems has depreciated over time, the basic structures of local councils have been preserved from colonial to contemporary times. Consequently, data collection was limited to local councils within this region.

**Gender and Governance: An Overview**

Over the past twenty years, the concept of governance has occupied a dominant position in development debates. The literature on development, particularly from 1990s onward reveal that governance is a vital prerequisite to sustainable development. For this reason, governance is constantly highlighted in the development agenda of institutions such as the World Bank (WB), the United Nations (UN) and the International Monetary Fund (IMF). Governance as a development strategy is also prioritised as an important pre-condition for the award of development aid by donor agencies to developing nations.

Broadly speaking, governance refers to the process of decision-making by different stakeholders (including politicians as well as ordinary citizens) on issues that affect their lives. The concept is however understood and applied differently by different development agencies. As an end goal, the World Bank (WB) and Asian Development Bank (ADB) consider efficiency in decision-making and resource management as outcomes of governance. In specific terms, the World Bank defines governance as “... the traditions and institutions by which authority in a country is exercised for the common good. It encompasses (i) the process by which those in authority are selected, monitored and replaced, (ii) the capacity of the government to effectively manage its resources and implement sound policies, and (iii) the respect of citizens and the state

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for the institutions that govern economic and social interactions among them. For the Asian Development Bank governance is “the manner in which power is exercised in the management of a country’s social and economic resources for development…”

From the viewpoint of social justice and rights, the United Nations Development Programme and World Alliance for Citizens’ Participation – CIVICUS define governance as the mechanisms, processes and institutions through which citizens and groups articulate their interest and exercise their legal rights. On a much broader scope, it is the exercise of economic, political, and administrative authority to manage a country’s affairs at all levels. From a participatory perspective, CIVICUS views governance as the process of “empowering citizens to participate in the process of decision-making” on issues that affect their lives.

Despite the many definitions, this chapter opts to view governance from the social justice and rights perspective because the author believe that governance cannot be effective without the promotion of social justice, gender equality and citizens’ rights, as noted by Brody.

Governance from the social justice and citizen’s rights perspective hinges on the respect of seven governance principles - accountability, transparency, responsiveness, equity, inclusiveness, rights, and the rule of law. The principle of accountability which require that citizens in position of power respect agree standards, rules and norms,

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7 Wold Bank, 1998, opcit
8 P. McCawley, Governance in Indonesia: Some Comments (Tokyo: Asian Development Bank Institute)
10 UNDP 1998, opcit.
11 Opcit pg. 11
including international agreements\textsuperscript{13}; transparency that require putting in place procedures that allow citizens’ access to information including financial disclosure and budgetary reviews\textsuperscript{14}; inclusiveness to guarantee equal participation of diverse groups in decision-making through: (i) involvement of marginalised group including women in decision-making as voters or candidates in elections at all levels (local and national), (ii) consultations with local population to identify and address their needs and problems and (iii) involving marginalised groups in the planning and implementation of development projects and programmes at all levels\textsuperscript{15}; equity which allows all citizens irrespective of gender, class, race and ethnicity to have equal say in the processes and benefits of governance.

According to Brody, equity will ensure that decision-making is “informed by all voices including those of the most vulnerable (notably the poor and women), and that resources are shared in ways that meet everyone’s needs” (p.13). UNIFEM\textsuperscript{16} affirms the benefit that accrue from upholding the principle of inclusion. It notes that with equity in decision-making, governance processes are likely to (i) be responsive to the needs and interest of all citizens; (ii) respect the rule of law; (iii) and uphold the rights of all citizens.

That said, the debates on governance is pre-occupied with how to uphold the seven principles and ensure governance processes accountable, transparent, inclusive, responsive, and equitable. In addressing the above pre-occupation, the majority opinion in the literature calls for decentralisation as the way forward\textsuperscript{17}. It is thought that decentralisation

\begin{thebibliography}{99}
\bibitem{13} UNDP, 1997.
\bibitem{14} A. Brody, opcit
\bibitem{15} UNDP, 1997, opcit
\bibitem{16} UNIFEM, \textit{Who answers to women? Gender and accountability} (New York: UNIFEM, 2008)
as an approach to governance that supports the transfer of decision-making from the central to the local level will do the trick\textsuperscript{18}. Proponents of decentralisation observe that local governance is the level of governance closest to the local populations. Therefore, local governance will encourage local participation in decision-making\textsuperscript{19}.

According to UNDP\textsuperscript{20} local governance comprises a set of institutions, mechanisms and processes within reach of the rural population, through which citizens and their groups can articulate their interests and needs, mediate their differences and exercise their rights and obligations at the local level. It involves a variety of actors/institutions, including the local government office (municipal councils), local politicians (municipal/local councillors), decentralised units of the central government operating in local areas (e.g. regional and divisional delegations/departments of Ministries), civil society organisations, ethnic associations and faith based organisations. The above elements of local governance create opportunities that enable diverse citizens, to articulate their interest exercise their rights and obligations at the local level\textsuperscript{21}. Thus, the paper focuses on local government as an institutions of local governance, specifically in terms of analysing the participation of local politicians notably women municipal councillors in local governance.

Similarly, gender experts are of the opinion that local government is considered more accessible to women politicians given its closeness to women’s ‘traditional/household’ sphere\textsuperscript{22}. The International Union

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\textsuperscript{18} Rondinelli et al, \emph{opcit}
\textsuperscript{19} C. Pateman, \emph{opcit}; D Conyer, \emph{opcit}; International Union of Local Authorities [IULA], \emph{World Wide Declaration of Women in Local Government} (Harare: IULA, 1998); R Crook & J. Manor, Democratic Decentralisation (OED Working Paper Series No. 11, 2000).
\textsuperscript{20} United Nations Development Programme [UNDP], \emph{Women’s Political Participation and Good Governance: 21st Century Challenges} (New York: UNDP, 2000).
\textsuperscript{21} UNDP, \emph{opcit}.
\textsuperscript{22} A. Evertzen, \emph{opcit}; Maclain, \emph{opcit}; A. Brody, \emph{opcit}; M. Nussbuam, Gender and Governance: An Introduction, in M. Nussbuam et al, \emph{Essays on Gender and Governance} (India: UNDP, 2003, 1-21); IULA, \emph{opcit}.
of Local Authorities (IULA) observe that local governance provide opportunities for women (majority of whom are in local areas) to participate in decision-making and contribute to local development. The assumption is that women would find it easier, and are better equipped, to manage both their political interest and triple roles – production, reproduction and community work – at the local level. Besides Evertzen contends that the eligibility criteria and competition for candidacy are less stringent at the local than national levels of governance. For instance, Evertzen notes that local (municipal) elections are less expensive and less confrontational and aggressive that national elections (e.g. legislative and presidential).

Countries like Uganda, India, Pakistan, Bangladesh, Sri Lanka and Nepal have implemented affirmative action policies to improve on women’s visibility in local government. Consequently, governments have employed strategies such as quotas, networking and activism to timidly increase women’s representation in local government and politics. Current global statistics put women’s representation in local government at 18%, up from less than 10%, ten years ago. The republic of Seychelles tops the chart with over 52% women representation in local government. This is followed by Sweden (42%), Tanzania (25%) and the United States and Netherlands with 23% women representation in local governance.

While literature indicates numerical increase in women representation (descriptive representation) as local politicians, it remains unclear if the increase has translated to substantive involvement of women in decision-making. The general opinion is that there is little or no

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23 opcit
24 opcit
26 F. Cos-Motiel, ‘Decentralisation and Women’s Rights in Latin America and the Caribbean’ (Background Paper for the IDRC Gender Unit Competition, 2005); Inter-Parliamentary Union [IPU], ‘Women in National Parliament’ (http://www.iwdc.org/resources/facts_sheet.htm, retrieved on 21/09/2011).
27 F. Cos-Motel, opcit; IPU, opcit.
evidence that women’s increase representation has impacted positively on their substantively participate in decision-making. Substantive participation, in this context, is understood from both the political and feminist perspective. Politically, substantive participation is examine in terms of the position and status occupied by women politicians in local government (e.g. mayors, financial officers, heads of local government committees, etc.). From the feminist perspective, substantive participation occurs when women politician articulate the strategic needs and interest of women in decision-making and contribute to policies, projects, and programmes that address both the practical and strategic gender needs of women.

Studies on gender and local governance have observed a weak association between the numeric (descriptive) representation and substantive participation of women politicians in local governance. These authors observed that while the proportion of women’s representation in decision-making has been on the increase, the ability for women politicians to articulate the strategic needs of women in decision-making is very limited. These studies therefore conclude that descriptive (numerical) representation is necessary, but not sufficient in and of itself to translate to the substantive participation of women politicians in decision-making. The latter can occur only when the numeric presence of women politicians complements their substantive participation in local governance.

The Context of Local Government in Cameroon

Local government structures in Cameroon dates back the 1950s, during the colonial period and was typical of the British West Cameroon, where British colonial authorities ruled indirectly though the native authorities. Although the level of autonomy of local government in Cameroon has experienced some transformation over time – from colonial, post-colonial to contemporary times, the basic structures are still in place. Mawhood traces the evolution of local government systems in English and French Cameroon through two distinct cultures.30

While British West Cameroon was characterised by a decentralised native authority system where chiefs and councillors had greater control over economic and political decisions, the French Eastern part of the country was governed by a more centralized system of administration.

By the 1950s, British Southern Cameroon had a well-established system of democratic native governance in which chiefs and local councillors (both male and female) administered their own local territories and had autonomy to manage their revenues.31 The local councils had jurisdiction over the control of markets, road maintenance, agriculture, forestry extension, primary education and the provision of minor health services, with supervision from generalist administrators who later became prefects and sub-prefects responsible for small areas.32 A total of 24 local councils were established in British colonial Cameroon by 1969. Typical of West Cameroon’s local governance was the strong emphasis on community development. Community development officials were trained and assigned the responsibilities to mobilise and organise voluntary labours for construction of rural roads, bridges, schools, water supplies, and health centres.


31 P. Mawhood, ‘Applying the French Model in Cameroon’

These councils were strategic to West Cameroon’s administration after independence, until the state’s unification on the 20 May 1972\textsuperscript{33}.

By contrast, French East Cameroon was governed more or less by a centralised system of administration. Urban communes, typical of the ‘French department’s general councils’ were established in Cameroon as far back as 1950. Twelve rural communes were established in 1952 named sub-divisions and later renamed \textit{arrondissement}. All councillors in rural communes were elected into single member seats with a certain proportion reserved for French citizens. By 1960 to 1961, two-thirds of the members of rural communes were elected while one-third was nominated ‘from among notables and other elites of the commune’\textsuperscript{34}. However contrary, to the West Cameroon system, urban communes had limited powers to legislate over financial issues and acted only as an advisory authority to the central executive. Revenues of communes was managed at the central level.

A distinctive transformation in Cameroon’ local government systems was observed in the 1960 following the amalgamation of the British and French speaking Cameroon as federal states and then as a united republic through a peaceful revolution. Following the merging of the two systems, a new administrative structure was establish under the system of province headed by a governor appointed by presidential decree. Consequently, the native authority systems of West Cameroon was abolished. A new law to organise the functions of local councils in Cameroon was enacted in 1974 shortly after the reunification. This law harmonised the Anglophone and Francophone systems of local council. City councils were subsequently set up as part of the local government in 1984 and accorded specific power. The 1974 endowed local councils with largely social functions such as celebrations of marriages and delivery of birth and death certificates.

\textsuperscript{33} P Mawhood, 1993 opcit
\textsuperscript{34} opcit
Contemporary policies and structures of local government administration in Cameroon is driven by the process of decentralisation based notably on the Constitution embodied in Law No. 96/06 of 18 January 1996. On the strength of the provisions of article 55 of the said constitution, ‘decentralised local entities of the republic shall be regions and councils… they shall be freely administered by boards elected in accordance with the conditions laid down by law’. Decentralisation is viewed as the main driving force for promotion of development, democracy and good governance at the local level in Cameroon as state resources and service delivery systems are brought closest to the people thereby improving the efficiency of resources allocation and decentralised service delivery.

The first three laws on decentralisation reforms in observance with the 1996 constitution were enacted in 2004. These include: Law No. 2004/17 of 22 July 2004 on the Orientation of Decentralisation; Law No. 2004/18 of 22 July 2004 to Lay Down Rule Applicable to Councils and Law No. 2004/19 of 22 July to Lay Down Rule Applicable to Regions.

Section 2, of Law No. 2004/17 on the orientation of decentralisation state that ‘decentralisation shall consist of devolution by the state of special powers and appropriate resources to regional and local authorities”. Furthermore, Section 7 of the same law provides that devolution of power to region and councils shall be accompanied by transfer of necessary resources (both fiscal, political and administrative) to enable regional and local governments function efficiently.

The role of the state in decentralisation is limited to supervision of regional and local authorities. Pursuant to Section 15 to 22 of Law No. 2004/018 of 22 July to lay down the rule applicable to councils specific powers relating to economic action, environmental and natural resource management, planning, regional development, town planning and housing; health and population, social actions, education, literacy, technical and vocational training, youth, sport and leisure, and culture
and development of national languages is devolved to councils and city councils\textsuperscript{35}. Furthermore, powers relating to health and population, education and literacy, and technical and vocational training shall be restricted only to local councils.

Presently, Cameroon has 10 regions (two English speaking and eight French speaking). Each region is broken down into divisions, which are further divided into sub-division and councils. The number of divisions, sub-divisions and councils per region is determined by the population of the region. Currently there exist 376 councils in Cameroon, 67 of which are located in the English speaking part of the country\textsuperscript{36}.

The 2004 local government law classifies councils into three types. In the first category which constitute majority of councils in Cameroon are local councils which could either be rural or urban but lack the special status granted to city council. All councils both rural and urban are headed by mayors who are directly elected by a team of elected councillors. City councils on their party are few and exist in large towns such as Kumba, Bamenda, Douala, Limbe and Yaoundé.

Unlike local councils that are headed by elected mayors, city councils are governed by government delegates appointed by a presidential decree and assume the duties and powers of the mayor. Sub-divisional councils on their part are found in city councils. Each city council has between two to three divisional councils with the exception of Yaoundé and Douala with seven and six divisional councils respectively. Just like local councils, sub-divisional councils are headed by elected mayors supported by elected councillors.

As discussed so far, local councils are run by councillors who are elected through direct universal suffrage for a term of five years and whose activities are overseen by a superior authority – the Governor and the Senior Divisional Officer (SDO) at the level of the region and council

\textsuperscript{35} Ministry of Territorial Administration and Decentralisation [MINARD], \textit{Guide for Mayors and Municipal Councillors}. (Yaounde: MINARD, 2008).

\textsuperscript{36} MINAD, 2008 opcit.
respectively\textsuperscript{37}. The number of councillors depend on the population of the area. Therefore, local authorities are not accountable only to the electorate but also to the Head of State through the Governor and the SDO. The Head of State for instance can dismiss an elected official on counts of embezzlement by virtue of article 95(1) of the Orientation law.

The 2004 local government law further provides the proportion of councillors per council as follows: 25 councillor for council with population of less than 50,000; 31 councillors for councils with population ranging between 50,000 to 100,000; 35 for councils ranging between 100,001 and 200,000 people; 41 councillors in council areas with population between 200,001 and 300,000 and 61 councillors in council areas whose population is more than 300,000 inhabitants\textsuperscript{38}.

There are two organs at the level of the council; deliberative and executive as well as four statutory annual meetings as opposed to two under the 1974 Law. Decisions are made by simply majority vote and council sessions are open to the public.

The extracts of council proceedings must be communicated to the populace within eight days following a council session (art 40(1). Article 131 of the Orientation law also permits councils to form alliance with other councils to foster development objectives. This new approach to local governance administration is considered to enable local populations, irrespective of gender to fully and actively participate in the development of their communities.

\textsuperscript{37} Articles 46 and 57 of Law No. 2004/17 of 22 July 2004 on the Orientation of Decentralisation in Cameroon.

\textsuperscript{38} Law no 2012/001 of 19 April 2012 relating to the electoral code, amended and supplemented by law no 2012/017 of 21 December 2012.
Women in Local Governments: Women’s Rights and Gender Equality Concerns

Once elected into municipal councils, women councillors in Cameroon participation in local governance in three ways, which include: participation in council sessions where decisions policy and project priorities for local development are taken; (2) participation in council committees in which suggestion on possible council intervention in the areas of health, education, finance, works and transport, land and town planning, waste management, etc. are proposed; and (3) interactions with different member of their constituency to discuss their problem and possible interventions by the councils to address identified problems.

This section aims at critically analysing the extent to which women’s engagement at the above three levels of governance promote women’s rights and address the strategic needs of their respective constituencies. Findings relative to the above themes are analysed from three perspectives.

The section proceeds by examining the nature of interactions between women councillors and different groups (men, women, mixed group, etc.) in their respective constituencies. It pays attention to the problem/issues (practical and strategic) constituents, particular women, frequently complain about during consultative meetings. Secondly, it analyses the issues women councillors prioritise during council deliberations and in their respective committees, in order to determine the extent to which the identified needs (practical and strategic) are articulated by women politician in the above processes. Finally, the chapter examines the degree to which party politics and patriarchal norms shape women’s ability to address the practical and strategic gender needs of their respective constituencies.
Women Councillors’ Participation in Consultative Meetings with Constituency

One of the responsibilities of municipal councillors in Cameroon has to do with interactions with local communities to identify their problem and follow-up to ensure that these problems are adequately addressed by the council. All the women councillors in the study sample claimed to be very active in this activity. The women councillors interact with male, female and mixed groups of their various constituencies.

It was however observed that the women councillors interacted with women’s groups more often than men and mixed groups. Consultative meetings are held to discuss identify the problems of their constituencies and propose possible interventions by the council to address identified needs and problems. The problems and issues identified are similar across all the councils and relate to both the practical and strategic needs of women in these council areas.

The practical issues/concern identified by women in the local communities include the need to: improve on community health though frequent hygiene and sanitation campaigns; improve on women’s reproductive and children’s health; provide the social amenities to the local populations (access to potable water, electricity, roads, etc.); income generating activities for women, etc.

In addition, women in local communities also identified strategic issues affecting women in society, such as: child marriage; the education of the girl child, political empowerment of women; issues of domestic violence and marital conflict; property rights for women; farmer-grrazier conflicts; gender inequalities in access to and control of land; voting rights of women; women’s involvement in cash crop production etc.
Strategic gender needs (as oppose to practical gender needs) are identified by women as a result of their subordinate position in society. When addressed, strategic gender needs (i) improve on the wellbeing of women and society as a whole, and (ii) transforms gender relations and challenge the subordinate position of women in society, thereby empowering women and improving women’s status in society. Consequently, women’s involvement in local politics will be more meaningful to women as a group, when women politicians are able to articulate the practical as well as strategic gender needs/concerns of women in political decision-making.

Unfortunately, findings on issues prioritised by women councillors during council deliberations and in their respective committees suggest that they are more concerned with practical than strategic concerns of their constituencies, particularly women.

**Women in Council Decision-making Processes**

Council deliberations constitute the legislative arm of local government, during which all councillors, irrespective of gender are required to participate in decision-making. During council sessions, the elected councillors are equally expected to articulate the interest of their respective constituencies by proposing policies and projects to address the identified needs and problems of their populaces.

Therefore, even though women councillors are not represented in strategic decision-making positions and committees as demonstrated in chapter five, council deliberations offer an opportunity for women politicians to articulate the needs of their respective constituencies.

Most of the women (close to 93%) interviewed had some commendable experience in local governance. 92.7% of the women had been participating as local government councillors for at least five years, while a few of the respondents were in their second mandate as municipal
The women councillors interviewed claimed to be vocal in council sessions. Majority of the women councillors said they participated in council sessions by raising issues and/or contributing to issues raised by other councillors (both male and female). Extensive evidence from the study reveals that women councillors actively participate in the discussion of social issues which address the practical as oppose to the strategic needs of their constituency, particularly women.

The research reveals that, the majority (74.3%) of women councillors are more concerned with practical needs/concerns such as financial assistance to association and groups, health, hygiene and sanitation, development of sporting activities like football and handball and creation of recreational clubs, income generating activities for women, promotion of culture, support to women farmers, etc.

Conversely, 25.7% of the respondents reported that they discuss issues relating to women’s strategic gender needs such as adult literacy programmes for women, education of the girl child improving women’s political participation, political solidarity by women, advocating for women to support each other in politics, need to reinforce campaign strategies to gain more votes in elections, issues of child marriage, education of the girl child and settling of land disputes such as farmer-grazier conflicts.

The findings thus far suggest that the level of women councillors’ involvement in council deliberations does not significantly address the strategic gender needs/concerns of women in local communities, which is relevant to the promotion of women’s rights and gender equality issues in local governance. This argument is also supported by research findings on women’s involvement in council committees.

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39 Councillors are voted into municipal councils for a mandate of five years renewable
Women in Local Government Committees

Local government committees are set up at the level of local councils with responsibility to assist the council attained its development objectives. All the councils visited had similar committees to deal with health, social, education, finance, works, transport, supervisory, and land. However, committees in the areas of agriculture, forest management, and environmental protection exited only in a few councils. Local government committees are expected to make project proposal to enable the council.

During council sessions, the proposals of various committees are presented for debates and approval. Council committees also have the responsibility of educating and sensitising the local populations on council activities and policies based on their respective areas of jurisdiction.

Given that majority of the women councillors are represented in social, education, and health, their activities are tired to education, social and women’s issues. Activities performed by women these committees can be summaries as follows: (1) ensuring community health through sanitary inspection and community health programmes; (2) take care of social issues such as provision of special needs to disadvantaged groups like handicaps, children from poor families, etc.; (3) assessing educational facilities and encouraging the public to better manage educational projects and promote vocational training; (4) identifying and proposing projects to the council; (5) promoting women’s rights, political participation and social integration; and (6) train women on how to blend politics with the domestic activities.

The above findings suggest that women councillors are not represented in committees that would enable them to address the strategic gender needs of their respective constituency.
This probably explains why, when asked to state the activities performed in their various committees, some of the women councillors responded as follows: “I teach women in my constituency on how to care for their families and even carry out cookery lessons” “I advice women on how to handle their homes alongside other activities”; “I help sponsor and provide for needy children in my constituency”, “I educate people in my jurisdiction on the law on decentralisation, in their meetings houses and church group”; “I go to women’s meetings and njangi and inform them about decision and plans of the council as well as listen to their needs and communicate back to the council during meetings”; “our intension here is to make women more respectable in society…we train them on income generating activities so that they can better take care of their families…we educate them on how to take good care of their husbands and children so that women should be respected in my constituency” on how to families and even carry out cookery lessons; etc.

These findings so far corroborates those of Duflo & Topalova\(^{40}\) that the gender roles of a women politicians significantly influences the policy priorities of female legislators.

Only very few women councillors (less than 15%) reported activities relating to strategic women’s issues, including scholarship for girls, creation of educational facilities and issues relating to violence against women. In this light, one of the women reported as follows: “every year, prizes are given to two best female students in my constituency, which is what I proposed”. Another respondent said “I resolve conflict among women in my constituency and sensitise families, particularly men on the dangers of domestic violence against women”.

The above findings point to the suggestion that, though aware of the practical and strategic gender concerns of local populations, particularly women, the level of women’s involvement in local politics

tend to address women’s practical concerns more than their strategic interests. This observation triggers both theoretical and politically relevant questions, such as: why are the women councillors less willing to question the subordinate position of women in society during council deliberation, even when these issues emerge in discussion with women group in local communities? Why are women councillors more concern with issues that address practical as opposed to strategic gender needs? Answers to these questions could be attempted by investigating the influence of party politics as well as the socio-cultural environment of local councils on women’s political participation.

**The Influence of Party Political Culture on Women Substantive Participation in Local Governance**

The women councillors in the sample were representative of the ruling Cameroon’s Peoples Democratic Party (CPDM) and the Social Democratic Front (SDF) which is the main opposition party in Cameroon. During municipal elections, individuals are voted into local councils based on a party list system. Political parties nominate candidates, who eventual become municipal councillors of the political party/parties that emerge victorious in the elections. Once elected into local councils, councillors (both men and women) are expected to represent party interest irrespective of whether or not they are gender sensitive. Consequently, in order to gain eligibility for re-nomination in subsequent elections, party politicians must protect the interest of their respective political parties in decision-making.

In line with the above observations, the findings of this study reveal that, once voted into municipal councils women local politicians promote the interest of their respective political parties, as opposed to their gendered interest. For, findings indicate that the activities performed by women councillors during council deliberations and in council committees, for both male and female councillors are influence by the agenda of the political party. Some of the responses advanced by the women
councillors to support the above claim include the following: “I was nominated by my party to improve on the wellbeing of my constituency, not just women…I have to respect the norms of my party”; “the fact that am a woman does not necessarily mean that I must represent only women… I need to represent all of them [men and women] so as to ensure their support during future election”; “I am councillor to govern everybody and to show that every body count…we don’t discriminate in our party”.

As such, even though the women councillors seek to address, in addition to general development concerns, issues that promote women rights and empowerment, the policies of political parties do not create an enabling environment for women to address gender equality concerns in local politics. The study also contends that party interest over rides gender interest even in councils with women mayors at the helm council administration. The situation is further exacerbated because findings reveal that the women councillors, on their part, are not adequately empowered to challenge party politics and resist patriarchal norms that limit their effective participation in local governance.

**The Influence of Patriarchal Norms on Women’s Participation in Local Governance**

Interview with the women councillors reveal that, in addition constrains eminent in party politics, women politicians tend to limit their participation in council processes to activities within their socially ascribed gender roles as care givers and home makers. This enables the women to gain recognition and eligibility for re-election by their local communities. Consequently, for most of the women councillors, being a ‘good’ wife, determined by how effective women managed their home are an indication of their effectiveness as a municipal councillor.

As such, a woman who cannot successfully manage her home, and teach other women to do same, cannot be a good councillor. Johana shared this view. She said; “I have to give a good impression to the population
as a good wife and a councillor... I cannot be a good councillor when my home is not in order... I have to be a good example of a wife and a councillor so that others (women) can copy”. For Miriam; “... it helps me gain popularity; when people see me succeeding as a good wife, they know I am better placed as a councillor”. As a result, the women politicians are less willing to engage in activities that question gender relations and women’s subordinate position in society, given that, such activities go beyond the normative gender roles of women. This trend is also reflected in the findings on women councillors’ perceived strategies to enhance their substantive involvement in the governance of local councils.

Women Councillors’ Perception Strategies to Improve their Substantive Participation in Local Governance

Based on this indicator, women councillors in the study sample were asked to propose what they perceive could be done to enhance their participation in local governance. Based on responses from interviews, it became apparent that respondents were resistant to strategies that transform gender relations particularly with women’s position in society. Responses in this direction revealed that none of the respondent was in support of strategies that would alter gender dynamics by increasing women’s influence in decision-making at household or community levels, regardless of the fact that such strategies would likely add value to their decision-making abilities and contribute to their meaningful participation in local governance.

Instead, proposals advanced by the respondent were more in relation to education and leadership skills and for women, the need for women to be assertive and have self-esteem, solidarity among women and to a lesser extent increase in women’s representation. Some of the responses in this light are quoted as follows: “women should be educated on leadership skills”; “women should be courageous and assertive”; “if we have women in higher positions like Divisional Officers and mayors,
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they will make decisions that will favour women and empower them”; “we need more women in high ranking positions”: women should learn to speak as one voice, they should be united”; “women should support other women”; “women should always have time to participate in council sessions”; etc.

The few respondents who mentioned the household were advocating for strategies that would enable women to effective manage their triple roles of production, reproduction and community work. For example one of the respondents proposed that “women should get orientation on how to manage their home alongside their office, village and immediate community” (aged 41-45, divorced). For this other respondent, “women should manage their time very well to be available at home, village and the public sphere when needed” (aged 31-35, married for 12 years).

These findings demonstrate that even though respondents observed that they are more likely to exhibit more meaningful participation in council’s deliberative discussions when they have greater command over decision-making at household and community level, they were less willing to depart from their ‘traditional’ status and responsibility as women in their households and in their communities.

Such that, as discussed elsewhere, the respondent feel they would be considered as successful councillors only when they are able to demonstrate that their participation in local government does not jeopardise the smooth functioning of their homes. This notwithstanding the fact that statistics discussed on section 7.6 revealed that majority of the respondent agreed that women councillors can improve on the participation in activities and decision-making processes of the council when they engage in activities that go beyond normative female gender roles

Conversely, it is also imperative to note that some husbands of married women councillors were quite aware of the importance of assisting their wives with household chores especially when the women were committed to other responsibilities at the level of the council. The study
noted that quite a few husband encouraged their wives to participate in council activities and willingly assisted their wives in performing household chores. Although this finding was reported only by a few women councillors (i.e. less than 10% of all the women councillors interviewed), it suggest that the some men are becoming aware of the fact that gender equality and social transformation in women’s status and position in society cannot be fully achieved without the active and full contributions from both men and women.

This was the experience of Margaret, a female councillor from the South West who had been married for 23 years. She reported that, “since my husband understands my role as a municipal councillors, I can stay for days working in the council, which is far away from my area of residence”. Grace, on her part, said, “at first it was difficulty to leave the house without my husband’s permission… but now it is not the case… he is even the one who reminds me about events in the council”.

Based on the above findings there is sufficient evidence to argue that the observed increase in women’s representation in local councils is not associated with the substantive involvement of women in the governance of local councils. Evidence on the level of women’s participation in council deliberations and committees indicate that women politicians prioritise the practical over the strategic needs of their constituencies, particularly women.

Findings could also suggest that the influence of party politics and the socio-cultural environment of local councils limit the ability of women politicians to articulate women’s strategic issues in deliberative discussions. The situation is further exacerbated by the observation that the women councillors, on their part, are not adequately empowered to resist and challenge party policies and patriarchal norms, especially is situations where such efforts threaten women recognition and eligibility for re-election into local councils. Consequently party interest over rides gender interests in local governance.
Implication of Women’s Participation in Local Government on the Promotion of Gender Sensitive Principles in Local Governance

Scholars in gender and politics\(^4\) have noted that once elected, women local legislators see themselves as social workers with responsibilities to provide social needs to their constituencies. By doing so, the, women councillors reinforce female traditional gender roles as care givers and home makers. The findings of this study resonates and extends the findings of other studies on the political behaviour of women politicians at the local level. Women councillors in the study sample were more concerned with similar issues relating to female gender roles and women’s welfare needs.

By relating women’s political behaviour to their traditional gender roles, this study points to possible explanations why women councillors would mostly likely prioritise issues that reinforce normative gender roles of women, with very little attempt to question unequal power relation and gender inequality in local governance. Analysis of the finding of this study suggest that there is a likelihood for women councillors to transfer the skills, attitudes, abilities and capabilities women councillors exhibited in local governance related to their gender household responsibilities, abilities, and capabilities.

When they are eventually elected into local government administration, women transfer the traditional acquire gender roles, values and attributes to the councils. These become manifest in the activities women councillors perform and the types of decisions and project priorities they readily support in their respective councils. In addition, women councillors transmit these normative stereotypes to other women during meetings in their respective constituencies. This tendency has sever

implication on the social transformation and the promotion of gender sensitive culture in local government.

**Conclusion**

Judging from findings, it can be concluded that quantity does not necessary translate to quality of women’s participation in local governance in Cameroon. While the numeric presence of women in local politics has increased in the last two decade in councils of the two regions, the substantive involvement of women in local councils is constrained among other factors (the structure of local politics and party politics) by the gender roles of women politicians. Consequently, the proportion of women in local councils in Cameroon is not an adequate indicator of gender equality in local governance.

Even though it is evident from the study that transformation in gender relations and roles would add value to enable participation in local governance, most of the councillors were resilient to issues that question unequal power relations between women and men in society. This is because study results revealed that most of the women councillors in the study sample were more in support of strategies that do not challenge their ‘traditional’ female gender roles as wives, and home makers, despite the fact that many of them reported that it affects their effective participation in council activities.

Furthermore, many of the women councillors were not in support of strategies that would alter gender relations especially strategies aimed at increasing their level influence in decision-making processes in their homes or communities. Consequently, the proportion of women in local councils in Cameroon is not an adequate indicator of gender equality in local governance, as is currently considered in Cameroon.

Therefore, efforts at increasing women’s numeric representation in local government (as currently the case) should be accompanied by strategies to address the underlying factors (both institutional and cultural) that limit the substantive participation of women in governance. The
findings and conclusion of this study also suggest the need for more rigorous sensitisation on gender awareness among local politicians and communities.
Contested Visions of and Routes to Gender Equality and Governance: Budgeting for the Gender Sector under International Tutelage in Post-Conflict Sierra Leone

John Idriss Lahai

Introduction

The overall goal of Gender Responsive Budgeting (GRB), especially in post-conflict African countries, is to enhance and uphold the mainstreaming of gender-aware, people-centric nationally-driven policies into the calculations of the expenditures, and disbursement of government (national and local) funds for the implementation of all socio-economic and political development programmes. In other words, national and sub-national budgets are an outcome of political decisions “about how and who levies state revenue as well as for which purposes and for whom expenditures are disbursed.” They represent the gendered power relationships within a country. It is about “the value of a country: who it values, whose work it values and who it rewards…and who and what work it does.” GRB is a politically-induced phenomenon that has become very popular especially after the release of the UN Millennium Development Goals (MDGs) in 2001 to change the budgetary processes and their corresponding intervention outcome policies, with the aim of promoting a pro-peace gender-equal society, and as well as contributing to the stabilization of societal, albeit domestic, gender relations.

But what GRB generally, and who are the targeted population and the actors involved, most specifically, are a major determinants of the kind


2 Ibid, 2.

3 D. Elson, Diane, Gender Budget Initiative. Background Paper (London: Commonwealth Secretariat, 1999), 11
of consultative process involved: i.e. whether the process is limited to the parliamentary deliberations of politicians or whether its deliberative processes will involve the full participation of the masses. Moreover, it is also dependent upon whether the estimated returns would increase the country’s GDP and, at the same time, achieve the intended outcome from a set of gender-equality performance indicators). Accordingly, for GRB to be effective in raising the social and economic status of women writes Sharp and Broomhill,\(^4\) attention should be drawn to the gender differentiated impacts of the budgetary policies. And, as an addendum, policy-makers should be able to answer the questions of whether GRB will, in the long-term, create awareness about the needs of the country’s disadvantaged populations in the public expenditure incidence analyses within a government’s microfinance governance architecture. It is in recognition of this that the Beijing Declaration and Platform for Action (with its corresponding +5 political declarations and outcome document) recommend that government should replace their budgets with GRB because they offer a better alternative route to achieve human security.\(^5\)

Normally, gender-neutral budgets, in as much as they are an important tool for the integration of welfare issues into countries’ macroeconomic policies, a longitudinal review of the embedded processes involved in the annual and/or quarterly review of the macroeconomic performance indicators of countries like Sierra Leone show that this kind of budgets is problematic. As crucial political instruments that set out governmental expenditure and returns in a given year, national budgetary processes are expected to be conducted in ways that stimulates the country’s economy, and, in tandem, enhances a result-oriented appraisal (or impact assessment methodology) of the core macroeconomic policies


that have been formulated to alleviate poverty and promote sustainable development.

That said, national budgetary deliberations should be seen as important platforms for the persuasion of policy makers to adopt a more gender sensitive approach towards the institutionalisation and mainstreaming of women’s specific needs into the (national and/local) government’s overall economic development goals. However, this is hard to achieve where the question of ‘can gender budgeting be a tool for gender mainstreaming—what specifically and what will be the role of gender equality—and women’s empowerment?’ continue to be a contentious issue, especially in poorer economies with high rates of corruption, a high level of patriarchally-conditioned and politically accepted systemic pattern of domestic violence continuum, high levels of illiteracy, and unemployable and/or unemployed women and men. As such, with Sierra Leone being on the learning curve in gender-responsive governance, networking, alliance-building, grassroots mobilisation, issues-prioritization, public education on budgetary allocation (that takes into consideration a SWOT analysis of the benefits, prospects and challenges of replacing the pre/wartime budgetary processes with a gender-responsive template) are important strategies that can enhance national awareness which in turn would encourage decision-makers and the people, for whom and by whom budgets are framed and finances allocated, to work towards the unification of their contested visions of and routes to gender equality.

Having said that, this chapter analyses current efforts to implement gender responsive budgeting (GRB) aimed at fostering women’s empowerment in Sierra Leone, with particular attention to the role of international agencies in promoting GRB within the overall national post-conflict recovery strategies. Gender-responsive financial tools such as the gender-disaggregated public expenditure incidence analyses; and, gender-sensitive economic policy frameworks have been used to frame women empowerment strategies and gauge progress in
fostering gender equality in a number of post-conflict African countries. Despite the implementation of these strategies, women in Sierra Leone continue to occupy the categories of ‘less empowered’ and ‘victims of sexual and gender-based violence’ (SGBV), raising questions about the effectiveness of these tools in achieving gender equality, socio-political and economic progress for women and an inclusive post-conflict governance architecture in the country.

Drawing on findings from a longitudinal research in Sierra Leone, this chapter examines the nature and current, albeit competing, priority areas of GRB-driven programmatic support. Research findings reveal that key stakeholders, including grassroots women’s organisations and local government councils, have contested visions of and routes to gender equality, making standardised interventions unsuitable for the development of a women-aware post-conflict poverty alleviation governance strategy. While GRB strategies in Sierra Leone might need to remain under international tutelage owing to aid dependency in the budgetary process, efforts should be directed at making governmental financial allocation more context-specific and responsive to the views and capacities of the various local stakeholders. Lessons from the Sierra Leonean case study can help inform the implementation of more suitable GRB initiatives in other post-conflict countries the region and, by qualified extension, other regions of Africa and elsewhere.

Why Gender-Responsive Budgeting? Theoretical Tools, Procedures, and Context

Beyond the margins of its theoretical possibilities, GRB also hinges on the disaggregating data requirements used in the determination of the scope of both the national and local governments’ priority areas, on one hand. And on the establishment of mechanisms for the strengthening of policy dialogue between the people, donors and the government to identify and mainstream the needs of the people within the budgets of
the government, on the other. The incorporation of gender-sensitive issues in the development of public expenditure (and revenue) requires the adoption of methodologies that complement themselves in the furtherance of the targeted goals of sustained gender sensitive national budgets. Whilst it is sometimes not easy to identify key priority areas, especially where the political survival of politicians have contributed to the constantly changing socio-economic and political environment, the identification and use of the most appropriate technical tools to mainstream, for example, SGBV intervention in the national budget process is very important.

From a theoretical point of view, Diane Elson’s tools are the most commonly referred to of all frameworks for conducting Gender Budget initiatives and on how to effectively incorporate women’s issues in the public expenditures of a government. She identified six tools: (1) The gender-aware policy appraisal involves the evaluation of all governmental programmes to identify the extent to which gender issues are appropriately given sufficient resources as a way of decreasing the incidences of inequalities; (2) The gender-disaggregated beneficiary assessment of public service delivery and budget priorities, called for the use of public opinion poll and surveys to identify the extent to which governmental budget allocations impact the people, especially women and children; (3) The gender-disaggregated public expenditure incidence analysis. This quantitative tool is used to determine the connection between government’s distributive expenditures on public goods and services and women’s empowerment; (4) The gender-disaggregated public revenue incidence analysis uses both the direct and indirect

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forms of taxation (including charges on the services provided by the government) in order to calculate how much taxation is paid by the population per households;\(^8\) (5) Another theoretical tool is the gender-disaggregated analysis of the budget on time use, seek to identify the relationship between the national budget and the way time is used in households. Whilst this approach may ensure that the time spent on paid work is accounted for in policy analysis, it is not a feasible tool where women’s unpaid domestic work remains largely unquantifiable and discursively analysed as part of their pre-destined gender assigned roles; (6) The final conceptual tool is known as the gender-aware medium term economic policy framework and the gender-aware budget statement. This tool can be used to integrate people’s gender-specific needs into the country’s medium-term macroeconomic development priorities. It requires the identification and disaggregating of key gender variables that will help to change the underlying assumption about the socio-cultural, geographical and institutional set-up of the population for national economic planning and development.

Contextually, the problems presented by gender structural inequalities have long being measured by the incidences of economic poverty,\(^9\) and less on the incidences of sexual and gender-based violence (SGBV), juvenile injustices, and patriarchally-induced political inequality that has created the belief system that national politics is a male-only domain; and the home, a woman’s place where they are also subjected to domestic violence. Poverty in Sierra Leone, it is argued here, became an entrenched phenomenon in the 1980s following the adoption of the structural adjustment policies of the international financial institutions.

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8 However, the use of this tool is problematic. Where the people are poor, it is highly unlikely that they will be able to contribute much to the fiscal resources of their largely donor-driven African economies.

(IFIs) and implemented in conjunction with their donor-driven governments in Sub-Saharan Africa. These structural adjustment policies were framed in ways that largely resulted to economic disparities among men and women. It should also be noted here that, the increasing levels of poverty among women is not fortuitous. Rather, it is contrived as a result of the inequalities in the labor market. While men’s work is mostly calculated based on their investment returns, women’s domestic household work are being discursively understood as part of their socially constructed gendered roles and responsibilities, which, in turn, are not considered in the assessment of the country’s formal economic growth indexes despite the fact that they are inherently important in assessing the purchasing power parity (PPP) among the population.

It is against this backdrop that I argue here that any correlational analysis of GRB and economic development in Sierra Leone should take into consideration the primary goal of ensuring that the provision and distribution of the limited services is engendered and done efficiently through a gender-sensitive national budget practice. Because it improves efficiency in expenditure allocation through effective targeting of the largely neglected social welfare and women’s empowerment indicators to enhance the productivity function of gender equality in national economic development.


11 Although there are no reliable data on the estimated value of women’s work in Sierra Leone several internationally researched reports, such as those conducted by the UNDP since the release of 1995 Human Development Index, have put its global estimates at around US $11 trillion per annum, with a 50% increase in the global output of developing economies where women’s domestic work have been assessed.

12 It is against this backdrop that the Ministry of Social Welfare, Gender and Children’s Affairs (MSWGCA), in partnership with the United Nations Population Fund (UNFPA), had recommended to the ministry of finance and the parliamentary committee on finance the use of initiatives to enhance the integration of a gender perspective into the country’s medium term economic framework and to also identify the gendered impact of resource allocation (on asymmetrical basis) to all line ministries and local councils.
Budgetary Procedural Processes in Sierra Leone

Like other budget processes, gender responsive budget drafts also go through complex stages until they are approved. However, what makes them more complex is the scope of consultations between donors, the government and the people; and the sensitivity of the gender-related issues involved. Below an illustration and discussion of the stages involved in the budget processes (and its cycle) at the national and local government levels is presented:

Table 1: (National and Local) Government’s budget processes

<table>
<thead>
<tr>
<th>National Government’s GRB Process</th>
<th>Local Governments’ GRB Process [Budget day in Council]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Presidential Approval</td>
<td>Ministry of Local Government and Rural Development Ministerial Approval</td>
</tr>
<tr>
<td>Finalizing Stage</td>
<td>Approved Copy Submitted to Local Government Finance Department</td>
</tr>
<tr>
<td>Strategic stage</td>
<td>Draft Copy Presented to Council &amp; Approval for Debate</td>
</tr>
<tr>
<td>Planning Stage</td>
<td>SWOT Analysis</td>
</tr>
<tr>
<td>Preparatory Stage</td>
<td>Strategizing Stage</td>
</tr>
<tr>
<td></td>
<td>Approval of Chiefdom Budget</td>
</tr>
<tr>
<td></td>
<td>Review of Local Wards’ Development Plans</td>
</tr>
</tbody>
</table>

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13 MSWGCA/UNFPA, Training Manual on Gender Responsive Budgeting: Policy Issues and The Realities (Freetown, Sierra Leone, 2005), 15.
From the illustration above, we see that both the national and local governments have their own respective budgetary processes. Yet, it is the outcome of national budgets that determines the budget estimates of the local councils. That said, during the preparatory and planning stages, the economic and financial strength of the government, revenue sources, and expenditures are identified and a SWOT analysis of the overall strategic plans, budget estimates (accrued from a comprehensive list of the miscellaneous expenditure projections), and accompanying assumptions that takes into consideration the corrective actions of the previous budgets, are conducted.

It is during these stages that the strategic gender-sensitive objectives are integrated. In the case of the local governments, a technical team, employed jointly by the Ministry of Local Government and Rural Development (MLGRD) and the Councils’ Chairmen/Mayors, and paid directly by the World Bank (as a way of minimizing political control and maximize efficiency), costs and rank community priorities. The Local Government Finance Department (LGFD) is very useful during these stages because they provide the technical backstopping to the Council in completing the listing and costing of their intervention areas.

At the approval stage, the Mid Term Expenditure Framework (MTEF) budget and development plans must be tabled and accepted together with those submitted to the MLGRD by the Councils at an approved date. From this stage, the revised budget of the Local Councils are submitted to the LGFD at an agreed date. Once it has been approved,

14 It should be noted here that, despite the fact that they are employed by the government and chairs, and like the councils themselves, are subjected to both internal and external audit reviews authorised by the Auditor-General of the country, the LGFD has some degree of independence in the management of their budgetary activities. In fact, as some scholar-practitioners have suggested, the design systems of intergovernmental transfers between central and local government, and the kinds of audit rules and procedures, necessary to ensure that local governments use their financial resources appropriately, plays a role in shaping the nature of efficiency and that such coordinated checks and balances help to sustain mutual independence (see N. Devas, M. Alam, S. Delay, P. Venkatachalam, R. O. Koranteng, *Financing Local Government*: (London, UK: Commonwealth Secretariat, 2008), 143 available at: http://publications.thecommonwealth.org/financing-local-government-472-p.aspx.
the finalisation of the budget document(s), including its editing and the inclusion of few details for its ultimate publication in the national gazette, and for which the LGFD is expected to take full responsibility, is authorised. In most cases, the content of the finalised budget include, among others, a summary of expected revenue and expenditure; a detailed outline of the projected revenue; details of expenditure by sector-classification; and the reconciliation of strategic gender-sensitive plans (which should correspond with the Poverty Reduction Strategic Paper (PRSP)), as well as the planned gender-related activities of all line government ministries and agencies.

**Table 2: Budgetary Process:**

**Determinants of Women’s Participation in the Process**

- Increased Participation
- Consentisation
- Access Control
- Increased Empowerment

**Source:** Author’s construction on the basis of (a) observed interactions among development partners and beneficiaries; and (b) the country’s microeconomic policy processes and gender equality measurement indicators.
Throughout the budget drafting and parliamentary deliberation stages (including all embedded post-budget activities) processes (see diagram above), attempts are made to understand the socio-cultural, political, institutional and procedural context of the budget: Who are the potential beneficiaries? Who might be adversely affected? Have vulnerable groups been identified? Have supporters and opponents been identified and their concerns addressed? Have the context-specific gender/sex disaggregated data of all sectors assessed? What is the relationship among stakeholders? How to better assess the gender-responsiveness of all government sector policies? How to achieve measurable inputs, output and outcomes of, for instance, the number of children that have benefited from GRB-induced juvenile justice sector reform? In fact, as Budlender and Hewitt\textsuperscript{15} argued, if issues, such as these, are not addressed, it is possible that the national budget will contribute to either the exacerbation of gender structural inequality or the misallocation of funds.\textsuperscript{16}

It is in recognition of this that UN Women have championed the advocacy for women (and women’s groups) to (a) have unrestricted access, (b) be fully conscientize, and (c) be given ownership in the whole budgetary process (formally and informally). Following a Women’s Equality and Empowerment Framework, it has funded the institutional and infrastructural capacity building of the government and local councils, as well as instituting a pro-peace reform of their laws and administrative practices to ensure that equality of access feeds into the overall desired outcome of equal opportunity.

As such, the country’s policy makers, as part of a donor-conditionality for continued financial support to its earmarked gender-responsive sectors, have developed a practice whereby communities are sensitised


about the differences between biological sex roles (which are largely stereotypical) and gender roles (which are cultural in nature), and how to discursively rely on them in their framing of ‘what women’s empowerment means’ may prevent societal understanding of the magnitude of poverty; the trends and effectiveness of targeted budget expenditures for human development intervention—especially those concerned with the empowerment of women.17

Here the focus has been on creating a national consciousness about the uncertainties that a patriarchally-conditioned economic and political domination of men in the budget process would present, on one hand; and, on the other hand, to build on a new found enthusiasm among women (and women’s groups) to show that gender equality is both the foundation of peacebuilding, sexual awareness and the basis for collective participation in economic development. However, the utilisation of this social conscientisation and mobilisation, it should be noted here, is best achieved where “equality of control means a balance of control between men and women so that neither gender is put in a position of dominance or subordination.”18

**Performance-oriented Budgeting Framework: Contextualizing Gender Responsive Budget Indicators and Implications for Sierra Leone**

From what we have said so far, how do we know that GRB can be a tool for gender mainstreaming—how specifically, and what generally, will be the role of gender equality and women’s empowerment in a country where generational meta narratives have led to the emergence of societal subjectivities and heteronormative thought processes that promote (and protects through systematic violence, if need be) a

17 Mrs.Fatou Y. Kargbo (Interviewed: 11 December 2013).
patriarchally-conditioned political and social status quo that sees issues of gender equality as suspect—suspect in the sense that it would derail the socio-cultural and political order.

From a performance-oriented perspective, less attention has been paid to the fact that, first, both donor driven or state-owned GRB-driven investment in the education of the girl child would promote an increase in the income per capita of women (and the girl-child), against other social intervention indicators (such as the general household income earning environment between men and women; and other institutional and structural factors, including the ‘type of education’ and the cultural constructions surrounding the question of ‘why an investment in the education of the girl-child’). And, second, how GRB raises the country’s GDP through a social calculation of total productivity effect on the economy.

In a detailed 2013 consultative macroeconomic study commissioned by the Ministries of Finance and Economic Planning for the Sierra Leone Parliamentary Committee on Gender Affairs, it is recommended that the government should, however, use a statistical regression methodology to better understand or at best, create a predictive estimation of the connections between GRB-driven women’s empowerment investment and Sierra Leone’s overall economic development performance. Using a Cobb-Douglas’ economy-driven productivity function model: \( Y = A k^a (L_v)^b \) (Where \( Y \) represents the country’s overall GDP; \( A \) is the total function productivity; \( K \) is the physical capital and \( L \) is the labor force; ‘\( v \)’ is the level of the human capital per a female worker; and \( V = L_v \), the effective labor input of women in the economy) the aim of this parliamentary report is to show, at a microeconomic level, how a GRB-driven investment in the education of a girl-child has a direct relationship to the country’s overall economic growth. This predictive human capital of this educated and employed female worker X experimental modelling, with minor variations, to Bloom, Canning and Chan’s (2006) total production function of a government’s investment in education,
as a tool for economic growth and an increase in the wellbeing of an educated person, was created (thus: \( V_x = e^{\delta S_i + \delta E_i} \) where \( S_i \) is the total number of schooling \( E_i \) represents (women’s) empowerment. The total productivity function of a woman’s human capital is therefore: \( V = \sum v_e = \sum e^{\delta S_i + \delta E_i} \) as a standardise template for all future calculations of the impact of women’s empowerment on the formal economy of the country.

Through this summarised equation, the government seeks to ascertain the extent of the macroeconomic contextualisation of the budgetary policy cycle; and, how that will impact the national government’s preferred ‘gender-aware disaggregated budget statement tool’ and the local councils’ preferred ‘gender disaggregated beneficiary assessment of public service delivery and budget priorities approach’ to GRB.

However, this proposed theoretically-driven recommendation, inasmuch as it seeks to promote a better understanding of how GRB-driven investment in women affects economic growth is problematic. First, because a statistical analysis of a given situation does not offer a standardize template for the political calculations of the productivity function of gender equality on economic growth. Second, while this summation may lead to an arithmetic conclusion, it cannot lead to a proper calculation (on symmetrical distribution basis) between the average and median wages of women (and men).\(^{19}\)

The reason for this is that, a presumptuous belief in a lognormal distribution, of say, the average wage accrued from a GRB-driven investment in the education of a woman cannot be used to predict the median variation of wages between men and women. Moreover, due to the lack of a reliable gender disaggregated data on Sierra Leone, it cannot be ascertained that—where \( \sigma \) is the standard deviation in log

wages in the calculation of the intended aggregate output of employed women—there will be an error-free data on the correlation between an increase in the income earnings of women (seen here as a threshold for gender equality and economic growth); or, an understanding of the impact of the gap between women’s and men’s wages in shaping affinal gender relations at the domestic household level.

It is against this backdrop that it is suggested here that any contextualisation of a time-series or cross-section analysis of the correlation between women’s empowerment and economic development should be dependent upon two factors. First, how politicians determine budgetary allocation for women’s issues; and second, how the GRB financial resource allocation could increase the social status of women. However, a social experimentation with the political empowerment of women (and the removal of the proximal differences of wage earnings for women and men; coupled with an increase in the investment of child education, juvenile and gender justice reforms, and a programmatic support to end harmful traditional practices such as FGM) may also present us with the question of, say, how equal would Sierra Leone be compared to Indonesia (the first country to introduce the idea of GRB in 2000; and whose budgetary performance practice offers a better blueprint for GRB in developing countries)?

In Sierra Leone, as a result of politically-infused gender ideological differences, in the face of massive financial corruption at all levels of the Sierra Leonean society, the attempts to socially and economically mainstream women’s empowerment issues at key priority areas for donor-driven support to the government have also led to political tensions between the national government and the Local Councils, and the largely politically-aware grassroots women’s groups over the question of how to better achieve women’s empowerment. While the government, for political reasons, prefers a methodology that

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mainstream women’s issues within the overall national recovery agenda, women’s groups such as the 50/50 Group of Sierra Leone and the Mano River Women’s Peace Network, backed by the Global Fund for Women, among others, are lobbying for the government to assess the country’s progress on the MDGs by calculating the ratio of girls and boys in educational institutions, the proportion of literate males and females (aged 15-25), the percentage of female share of non-communal farming paid employment, and on the total number of local councils’ women counsellors, parliamentarians and cabinet ministers.

And, at the local council levels, the percentage (per a thousand population) of the required number of health care centres by locality, the distribution of government scholarships to girls in poorer communities, the number (if any) of government/donor-sponsored and women led small-scale microcredit schemes, and the percentage of public infrastructure by locality.

The main challenge, therefore, is to make sure that the perimeters of the productivity output of an investment in women’s empowerment is correctly adjusted in the national budget estimates to reflect the needs and concerns of grassroots women’s groups. This, however, is difficult to achieve because over the years, the Ministries of Finance and Economic Planning, despite the insistence of the directorate on Gender Affairs, have not been able to take in consideration of the productivity function of the household wages of women in the informal economic sectors and subsistence farming when calculating the GDP of the country.

However, in the current drafting stages of the 2014-2015 national budgets, the Ministry of finance have started putting in place control mechanisms in the estimation of intervention measures concerning these aforementioned informal sectors. Without such control, it is plausible that a projection on the investment returns from these sectors

would, in the long-term, miss its intended impact and make any ‘extra investment’ in them a financial waste.22

**From Strategy to Action? The Contested Visions of and Routes to Gender Equality**

It is important to note that about half of the government revenue comes from development partners. Despite generous international assistance, the great majority of Sierra Leoneans continue to wallow in poverty. Sierra Leone’s unenviable ranking (as one of the least developing countries) in the Human Development Index has barely changed over the post-war years: A woman’s life expectancy is 48.5 years; for a man it is 46.0 years.

Two thirds of the population live on under US$ 2 a day and three quarters of adults work as subsistence farmers.23 One out of every three children under five is underweight. The donor funding in the recovery of the country have made negligible inroads to improve this atrophic situation.24 In fact, aid flows, which is essential for offsetting the severe trade imbalance and its Gross domestic product (GDP) growth, has averaged just above 7% after the conflict came to an end in 2002. The lowest ten percent of the population has less than one percent share of the national income. The top ten percent of the population accounts for 43.6% of income or consumption.25 Moreover, gender structural inequalities (which contributed to state collapse and subsequently a decade-long civil war (1991-2002)) persist after the conflict.26

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22 See, for example, Hewitt, Guy and Tanni Mukhopadhyay, ‘Promoting Gender equality through public expenditure,’ D. Budlender, D. Elson, G. Hewitt and T. Mukhopadhyay (eds.) *Gender Budgets Make More Cents* (London, Commonwealth Secretariat 2002), 49-81
26 H. J. Abdullah, ‘*Gender Equality in Post-2015 Sierra Leone:Addressing Inequalities: The*
As such, the mere of recognition of women’s needs in the national budgetary statements of the governments (local and national), without taking steps to mainstream their gender-specific concerns and needs in the overall post-recovery governance policy architecture cannot achieve sustained economic growth and, in tandem, promote gender equality.


After the peace process deteriorated in May 2000, most relief agencies had to be evacuated and humanitarian assistance was suspended for several months. Extremely difficult and often dangerous operating conditions in what was a complex humanitarian emergency eased in the second half of 2001 as relief workers began to gain complete access into the rural areas of country. Agencies did their best to provide basic assistance to women, children and the injured. Women and girls were receiving assistance through the resettlement programmes run by the United Nations peacekeeping forces and other humanitarian agencies. However, these programmes were abandoned once the peace agreement took hold around 2003.

At the initial stages of the country’s post-conflict recovery efforts, Sierra Leone was ineligible for World Bank and IMF concessional lending, and for debt relief under the enhanced Heavily Indebted Poor Countries (HIPC) Initiative, until it developed an interim poverty reduction strategy paper (iPRSP) in 2001. In 2002, the Sierra Leone Peoples Party (SLPP) government of President Ahmed Kabbah, in conjunction with The United Nations Office for the Coordination of Humanitarian Affairs (OCHA), set up the National Recovery Committee to do a district-by-district infrastructural survey of the damage that had been inflicted. This Post-conflict Needs Assessment (PNA) gauged what

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needed to be done to rehabilitate schools and health centres, establish civil authority and revive economic activity. The PNA results, informed by each district’s needs, were fed into a 15-month National Recovery Strategy (2002-2003) which, like Vision 2025, was developed in a participatory fashion with civil society (including women’s groups) and in conjunction with the UN and other development partners.

This multimillion dollar budget plan prioritised four interventions: the restoration of state authority; the rehabilitation of communities; peacebuilding and the safeguarding of human rights; and revitalising the economy. Gender issues came under peace building and human rights, a section that was allocated just under US$ 2 million. Women were referred to as being a vulnerable category of the population, but unlike the youth, mostly former combatants, who would be able to benefit from interventions through the National Youth Programme, no specific interventions were itemised for women.

This recovery plan was presented to donors at the first Consultative Group (CG) meeting, which was held in Paris in November 2002 nearly a full year after hostilities had officially ceased. It was at this meeting that donors expressed strong concerns about effective aid management. What emerged was a clear need for a comprehensive coordination and control mechanisms—because aid flow had been fragmented and arbitrary, in the face of systemic corruption. The CG delegates resolved to overhaul the government’s aid management landscape.

The intention was to generate constructive policy dialogue between government and donors; and to coordinate external assistance through

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a mechanism that tracked, monitored and evaluated aid flows. A two-tiered structure and results framework were agreed upon, with the support of UNDP, the World Bank and the European Union. In 2003, a Development Partnership Meeting Committee (DEPAC) was established as a ministerial-level forum for continuous dialogue between the government and international development partners.\footnote{DEPAC agendas were based on the outcomes of sector working groups. One of its duties was to monitor the progress of recovery—measured against the results framework’s benchmarks and indicators. Although its survival hinges on donor funding, its meetings were chaired jointly by Sierra Leone’s Vice President, the UNDP and World Bank country representatives; and civil society organisations, women’s groups and other stakeholders were only invited to meetings when the topics of discussion were considered relevant to their interests. In 2003, it met on a bimonthly basis. The schedule became quarterly in 2004. In 2006 the meeting was once a year and in 2008 it did not convene, but in 2009 it met once in the run up to the London Consultative Group meeting, and has since continued to meet on a quarterly basis with an increase in the number of women’s representatives.}

**Donor Budget Support and Observed Impact on GRB**

By the year 2000, expenditure on security and basic public services had pushed the budget deficit up to about 17% of the total GDP.\footnote{However, in its 2011 statement reporting the country’s 2008-2010 PRSP Progress, the government argued that: as of 2011, real GDP is expected to grow at 5.1 percent; and the expansion will continue to 6 percent in 2012 and 2013. Due to an increase in investment in basic infrastructure and energy, rise in agricultural productivity and huge investment in the mining sector.} In this context, Britain, with its historic ties with Sierra Leone, decided to commit budget support in 2003. Its annual post-war budget support continues to be about \£250 million\footnote{K. Peters, ‘Sierra Leone,’ in A. Mehler, H. Mehler, and K. v Walraven (eds.), *African Yearbook: Politics, Economy and Society South of the Sahara* (vol. 4), Leiden, Brill NV, 2008), 183. However, due to the government’s inability to stamp out corruption, a third of the total budget support from the UK government have been redirected by DFID from the government to the local NGOs in the country.} of which one-third is budget support—of this one-third, about half of it (\£15 million) is unconditional. Non-earmarked external assistance has since then become a hallmark of donor-government relations.\footnote{Mrs. Fatou Y. Kargbo (Interviewed: 11 December 2013).} It demonstrated donors’ willingness
to help kick start the economy after a devastating civil war because without their support, the government would not be able to govern the country on its own.

The percentage of budget support, from principal development partners, such as DFID, the European Commission, the World Bank and the African Development Bank, has remained persistent over the years. With direct budget support accounting for 25 per cent of aid flows, out of which about 15 per cent is being channelled directly to non-governmental organisations. And the remaining 10 per cent of their total assistance to the government is contingent their agreeing to meet certain performance-related benchmarks.

The technical arm of DEPAC, known as the Development Assistance Coordination Office (DACO), became operational in 2004. It serves as the secretariat for DEPAC and CG meetings. In conjunction with the Ministry of Finance and Development donor representation, DACO oversees the incorporation of development assistance into the annual budget. It works with the ministry of development and economic planning to record the development assistance that is channelled through the NGOs by sector and region. It also prepares periodic reports on aggregated and disaggregated external assistance data, including those affecting women. DACO continues to undergo a strengthening process. For instance, it has established a working group whose sole responsibility is to make sure that women’s issues are mainstreamed in all its activities. Moreover, it was very instrumental in getting a UN support fund of US$ 50 million to the government to carry out its planned gender-aware human development programmes as part of its


poverty reduction strategy policy for the years 2005 and 2007\textsuperscript{36}—which fed into the country’s PRSP.

The 2005-2007 PRSP had three pillars: Governance, peace and security; Pro-poor sustainable growth and food security; and, Human development.\textsuperscript{37} Its targets were linked to the Millennium Development Goals (MDGs) with the following specific goals: To eradicate the causes of the conflict; to control communicable diseases; to provide quality primary education especially for girls; to provide affordable shelter; and to stimulate job creation.\textsuperscript{38} To achieve these goals, in June 2006, Sierra Leone entered into an agreement with the UN Peacebuilding Commission. It is one of the first two countries to do so alongside Burundi.\textsuperscript{39}

The agreement resulted in a US$ 35 million Peacebuilding Fund (jointly administered by the ministry of finance and the UNDP country office) that feeds into the national budget. The fund’s priority areas are good governance (US$ 5 million), security and justice sector reform (US$ 15 million), youth employment and empowerment (US$ 4 million), and capacity-building within public administration (US$ 2 million). A


\textsuperscript{37} Multilateral funding (almost entirely from the African Development Bank, the European Commission and the World Bank) accounted for 52 per cent—they had committed US$ 336 million to underwrite the first year of the PRSP in 2005. Bilateral funding contributed 33 per cent of aid assistance (42 per cent from DFID) while the UN system provided the balance of 15 per cent. Governance and security was to have some 12 per cent of commitments. Food security and job creation was to receive about 45 per cent and human development the remaining 43 per cent. This division followed the emerging donor shift away from humanitarian and recovery assistance towards development.


\textsuperscript{39} A. Iro, ‘\textit{The UN Peacebuilding Commission-Lessons from Sierra Leone},’ (Potsdam, Universitat Potsdam Press, 2009)
further US$9 million was allocated to energy output expansion. A technical committee was set up to evaluate proposals and the co-chairs were given the reserved authority to approve applications of less than US$50,000.40

The second PRSP (2008-2010) was estimated to cost US$ 1.9 billion. The government and its development partners committed US$1.1 billion towards it. It was based on both the MDG and CEDAW inspired needs assessment. Its goal was to reduce poverty through increased economic growth with an emphasis on private sector development and poverty reduction (see Table 3 below).

Table 3: Poverty Related Expenditure—Sectoral Distribution41

<table>
<thead>
<tr>
<th>Sector</th>
<th>Fiscal Year (FY) 2010 Budget (Le Billion)</th>
<th>Actual (Le Billion)</th>
<th>% of Total Poverty Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health</td>
<td>50.4</td>
<td>41.5</td>
<td>6.5</td>
</tr>
<tr>
<td>Work, Housing &amp; Infrastructure</td>
<td>73.3</td>
<td>139.3</td>
<td>21.9</td>
</tr>
<tr>
<td>Agriculture</td>
<td>31.0</td>
<td>28.0</td>
<td>4.4</td>
</tr>
<tr>
<td>Education</td>
<td>75.9</td>
<td>69.5</td>
<td>10.9</td>
</tr>
<tr>
<td>Local Council</td>
<td>72.8</td>
<td>91.1</td>
<td>14.3</td>
</tr>
</tbody>
</table>

Despite the fact that this PRSP failed to recognised, in explicit terms, the impact of harmful traditional practices on women’s empowerment (see the table above for its main poverty-related expenditure by sector distribution), it is much stronger on gender equity than its predecessor because the donors and the gender ministry ensured that CEDAW principles were embedded in the framework. It has four broad targets: (1) to achieve reliable power supply; (2) to develop agricultural and

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fisheries potential; (3) to develop a national transport network; and, (4) to improve the delivery of basic social services.  

In December 2010 the UN Peacebuilding Commission approved an additional US $ 7 million from its Peacebuilding Fund (adding to the one-year seed money of US$ 4.4 million it has already disbursed) to fund, among others, access to justice and human rights, reparations for war victims, and gender equality and women’s rights. National Commission for Social Action (NaCSA) had revived the idea of reparations in 2007, and had asked for at least US$ 14 million to implement reparations for the some 100,000 people, including victims of sexual violence and war widows.

The German government provided 75 percent of the reparations funding to the International Organization on Migration (IOM); and NaCSA was selected as its implementing agency. Interestingly, despite the provisions of the 1999 Lomé Peace Accord and the TRC report, the government had not taken advantage of its mineral revenues to earmark them for reparations, even though war victims continued to be in urgent need of housing, medico-psycho social assistance, and income-earning opportunities. During its implementation phases, some of the money was used to establish a directorate within NaCSA and to draw up a victims’ database and the remaining 75 per cent (plus the US$ 246,000 allocated by the government) went directly to the beneficiaries. NaCSA had extended the six-month registration period for reparations by one month to persuade those sexual abuse victims who were too shy to come forward and with the help of women’s organisations, they were

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42 International Monetary Fund, *Sierra Leone: Poverty Reduction Strategy Paper.*
44 Interview with Saidu Conton Sesay, Commissioner of the National Commission for Social Action (NaCSA), Sierra Leone (19th November 2013).
swayed to sign up. Some 21,000 civilian amputees and war-wounded each received business start-up training or skills training and a microgrant of US$ 80, far less than the cash payment received by the ex-combatants in the disarmament and reintegration programmes. This cash was, however, sufficient for a victim-turn-farmer to buy tools and rice seeds and an informal shopkeeper to buy a start-up stock of biscuits and other retail goods. In addition, some 235 women victims of sexually-related GBV received fistula surgery and other medical treatment.

Following the rectification of the UN Security Council Resolutions 1325 and 1820 by Sierra Leone in October 2009, UNIFEM and UNFPA sponsored a series of workshops, in conjunction with the gender affairs ministry, on how to implement the reparations, and foster accountability through the use of specific, measurable, assignable, realistic and time-related indicators.

The West Africa Network for Peacebuilding and the Office of the Special Adviser to the Secretary General on Gender Issues and Advancement of Women were also partners. The intention is to create a robust monitoring and evaluation framework before the planned 2010 official launch on International Women’s Day.

**Towards a Participatory Learning Approach? The Nature of International GRB Tutelage**

It is an established fact that gender inequalities have significant impact on the successes and failures, projections and directions and on the implementation of post-conflict development projects. Thus, one of the ways how to mitigate the negative impacts of gender inequality, policy makers should understand why women are doing what they are doing, and for men to do what they do; and, in tandem, to let go of that essentialised thinking that ‘men are by nature inherently prone to

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45 There are, however, approximately 10,753 registered victims yet to receive any reparations by February 2014.

46 Saidu Conton Sesay (19th November 2013).
perpetrate violence, and women, peaceful.' How to achieve this is, of course, a tedious process that requires collective action and expertise intervention. As such, donors should be pro-actively involved in the provision of technical training to policy makers and grassroots organisations on the importance of a gender-equal society. That said, before discussing the nature of international tutelage, it is important to discuss the extent to which gender issues have been addressed by some of the key international organisations in the country.

Until 2004, most donors channelled their assistance through the UN and international NGOs due to the state fragility and the lack of the needed institutional capacity and infrastructural facilities. Moreover, funding was hard to come by. The 2000 Consolidated Appeals Process (CAP) for about US$ 64 million was 65% funded through contributions from the carry-over funds pledged by donors in the previous year. While the 2001 CAP was larger than the 2000 CAP funds by ten million dollars (totalling US$ 74 million), it too was slightly under-funded by 35% (approximately US$ 26 million) of what the government had initially asked for. Despite this, the managers responsible for the collection and disbursement of CAP funds did recognise the hardship faced by women, and as such included some projects that addressed their needs following the visit of Radhika Coomaraswamy, the then UN Special Rapporteur on Violence against Women to Sierra Leone in August 2001.

In retrospect, during the initial relief and recovery phases, the African Development Bank, the European Commission’s Humanitarian Aid Office (ECHO), the European Commission and the World Bank joined Britain and the United States. This development partners’ profile in Sierra Leone has remained fairly constant over the past decade.47

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For its part, UN Women (known then as UNIFEM) has championed women’s equality and empowerment through political participation. It promoted women’s participation as voters and candidates in the 2007 and 2012 elections—as well as training of female candidates in the art of campaigning.

Together with other UN specialised agencies,\(^4\) it had helped to train local court officials on the administration of justice for women. As well as in the training of the chairs of local councils on gender-responsive legislation. Even after its transformation into UN Women it continues to be very active in fostering women’s empowerment and gender equality through its four strategic areas of women’s responsive budgetary intervention: reversing the spread of HIV in women and girls; ending violence against women; reducing poverty among women; and in the recent past, provided financial assistance to the Reparations Program that addressed the needs of victims of sexual violence.

Complementing this, UNDP is underscoring its commitment to gender mainstreaming through the recruitment and retainment of senior gender advisors at its Sierra Leone Bureaus for Development Policy, and Conflict Prevention and Recovery. These advisors are responsible for the implementation of its agenda for women’s empowerment and gender equality in crisis prevention and recovery; and its gender equality strategy that complement its regional responsibility to protect doctrine.

They are also responsible for the implementation of a country strategy, a multi-year country programme and action plan for gender equality and women’s empowerment with performance targets and indicators. This also includes putting in place control mechanisms to track and monitor progress on gender mainstreaming based on its Corporate Strategic Plan for 2011-2014. UNDP is also promoting gender equity and equality in its governance and rule of law programmes. Although the objectives

and outputs for its 2008 to 2009 projects do not specifically mention gender and women,\textsuperscript{49} in partnership with DFID, it is supporting the Family Support Units in police stations to process cases of SGBV. With 90 per cent of victims’ women and girls, the 34 units are staffed by well-trained female police officers.

To date, successful prosecutions are only a small percentage of cases reported due to legislative loopholes, cultural attitudes towards rape and domestic violence and the fees charged for medical reports.\textsuperscript{50} Through a long-term, multi-year financial commitment, UNDP is also proactively involved in the research and update report writing of the country’s annual CEDAW review and other national gender-related legislations, if and when required. Through its Bureau for Crisis Prevention and Security it is taking the initiative in providing catalytic funds for grassroots women’s socio-economic and political activities.

UNFPA, as the agency that is the most active in gender issues and the only UN agency to fund the Ministry for Social Welfare, Gender and Children’s Affairs, it gives direct support to women’s groups and NGOs that are supporting GBV victims. It contributes to sexual reproductive health programmes, works in HIV&AIDS, supports surveys on maternal and reproductive health, and has helped to strengthen the capacity of law enforcement agencies, gender-related NGOs, women’s groups and women parliamentarians. This underscores its Country Programme Action Plan objectives on governance, human right and reproductive health outcomes.

\textsuperscript{49} UNDP, Sierra Leone: Annual Report, (New York, UNDP 2011)

\textsuperscript{50} Charles Sinnah, Ag. Director, Gender Affairs Directorate, MSWGCA (interviewed 11\textsuperscript{th} January 2014).
UNICEF focuses on issues such as the maternal and under-five mortality rates which, according to the 2008 Demographic Health Survey, stood at 857 per 100,000 births, and 140 per 1,000 live births, respectively. Despite its being a beneficiary of good funding flows, it continues to struggle with grassroots women’s groups on issues dealing with the rights of the child.

How were these organisations, with competing terms of reference, able to coordinate their work to rebuild the budgetary institutional capacities of local councils and the national government ministries? And what exactly does this tutelage entails? These are important questions to ask for Sierra Leone, a country where issues of women’s empowerment are culturally conditioned. And the answers to these questions is found on the very social history of Sierra Leone; a history that reveals how global norms, despite their neo-liberal agendas, offers the best alternatives to get the country out of its current state as one of the least performing and progressive countries in the 21st century. That said, this tutelage entails the following:

- Increase the level of national awareness about the civic rights and responsibilities of Sierra Leoneans and to enhance their capacity to fully participate in promoting the rights of women and children; as well as change societal perceptions and move away from certain traditional practices that are considered to be harmful to the health and social wellbeing of women.

- Finance the reactivation of a more liberal, and corruption-free, budgetary processes that complements the Sierra Leone government’s decentralisation policy.

- Through the strengthening of the capacity of the public sectors, the aim of donors is to promote efficiency in the delivery of

services. And as such, they have been able to educate the government and other local actors about the co-relationships between transparency and accountability (tenets of democratic good governance) and broad-based participation.

Through the development of a citizen’s scorecard, the tutelage by the international community, have enabled the ordinary people to feel connected, if not politically aware of the fact that the government should be a government of, by and for the people.

However, on the socio-economic front, this tutelage (backed by direct financial support) also bring with it complex dilemmas emanating from the (a) the difficulties presented by the level of intervention needed to rebuild the post-war economy; (b) difficulties arising out of the co-existence of customary laws and statutory laws on fiscal control; (c) difficulties in dealing with widespread corruption; difficulties in choosing the micro/macroeconomic objectives, when social transformation involves too many stakeholders; and, (d) in some context, the available space remains too narrow to do effective advocacy—to link macro-campaign, global campaign (debt and trade related) with the engendered local realities. That notwithstanding, through the generation of public interest, the re-organisation of public pressure, the entering into open dialogue with decision makers, politicians and, finally, strengthening of civil society groups, some of the intensity of these challenges have been normalised.

The Government of Sierra Leone and the Discursive Political Representation of Donor-driven Post-Conflict (Gender-sensitive Budget) Governance Assistance

The Government of Sierra Leone and its external development partners have worked well over the years to improve the management of external assistance and public resources. The government’s aid strategy is for donor assistance to be linked to national development requirements.
For this reason its preferred method of assistance is budget support that is non-earmarked. To this, it is working within a mutual accountability framework since the end of the conflict in 2002. Thus, the harmonisation of donor budget support assistance and the release of funds is subject to meeting performance benchmarks. These benchmarks were first discussed between the government and development partners in 2005 and a memorandum of understanding was signed at the November 2006 consultative group meeting held in Freetown to establish a framework for Multi-Donor Budget Support (MDBS), whose subsequent partners have been working with the government to consolidate benchmarks into one Progress Assessment Framework (PAF).

The PAF criteria, depending on ongoing budget support includes: (1) good macroeconomic performance as corroborated by satisfactory progress under an International Monetary Fund (IMF) programme and dialogue on macroeconomic and fiscal prospects; (2) satisfactory progress in the country’s annual PRSP progress reports—which should be reviewed against the MDBS benchmarks; (3) improvement in public financial management; and, (4) respect for human (and women’s) rights. The first joint donor review of 2007 found that eight out of 14 and their corresponding execution expectations have been satisfactorily met. There had been limited progress, however, in improving the public expenditure tracking surveys (PETS) and audit functions because of unabated massive corruption in the finance ministry relating to the recruitment of audit survey assessors, and the involvement of politicians in the recruitment process and in reporting phases.\(^{52}\)

The MDBS is monitored by donors and the government budget monitoring technical working group. It is implemented by a policy dialogue group whose decisions are informed by the technical working group. Sector budget committees coordinate sectoral budgetary planning. Civil society organisations and NGOs are co-opted onto these committees as appropriate. The government aid strategy were

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52 Anonymous (interviewed 19 January 2014).
also devolved to district level; and in July 2009 district-level working groups comprising development partners and sector representatives at the local level, were created to oversee project implementation and to facilitate financial information flows. Rather than create new bodies at the local government level, these working groups are superimposed on existing bodies to date. Projects and programmes of more than US$ 1 million should be approved by the Donor Harmonisation and Aid Coordination Committee to augment aid effectiveness, but it was aligned to the government’s preferred sectoral intervention listings. However, projects of a lesser value are approved by the finance ministry’s Aid Coordination and Monitoring Committee, as well as the powers to regulate the where-to disbursement plans of donors.

It should be noted here that, higher poverty-related outlays are a government objective. In the past the government had discursively argued that it is facing difficulties in meeting the annual poverty expenditure target because its ministries are not adequately equipped. As a result of this, the IMF, in partnership with the Ministry of Finance, developed a Fiscal Priority Framework (FPF) to identify resources to be used for both priority and poverty spending of the ministries of agriculture; education and health (see Table 3 above).

The FPF also called on the government to develop a number of frameworks conducive to monitoring. The PRSP results-based framework also developed baselines and targets for key sectors. The performance tracking scorecard reviews the progress of ministries, departments and agencies on a quarterly basis. There have been various PETS surveys to provide, and maintain, an updated baseline data, but statistical capacity is still weak and donor support in the area of statistics has been fragmented—due, in part, to cultural counter-narratives.

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on gender inequalities (and its embedded power-induced linkages to identity politics), in the face of an ever changing, albeit chaotic, pattern of rural-urban demographic shifts.

Through a World Bank drafted citizen’s scorecard that we talked about inter-earlier, the government has done well in aligning aid assistance with national development strategies, particularly so in the face of the weak capacity of government institutions and poor infrastructures after the war ended. However, there has been steady progress in aligning donor funding to the priorities of local councils.

In 2007, for instance, only about half of donor money disbursed to the government was accurately estimated in the government budget, whilst local councils were able to account for about 80 percent of direct miscellaneous funding from donors. One of the reasons for this could also be that, the budget estimates of donors are calculated on their development assistance framework (developed by the UNDP country team) whose actual disbursement timeframe is different from those set up by the government, and as such it is hard for the donor funds that are channelled to line ministries to adequately be reflected in the national budgets drafts tabled to parliament before its fiscal year budget submission deadlines.

It should be noted here that, even though the government has been using a Medium term expenditure framework to prepare its annual budgets since 2004, the time frames of donor sectoral funding are not always aligned to the country’s expenditure framework—due, in part, to donor misgivings that too much timely funding would offset the budgetary obligations of the government thereby feeding into an observed problem that took much reliance on foreign assistance have led the government to be too lackadaisical in the management of the country’s exploitable resources.
The decentralisation of education, health and agriculture is happening. But capacity constraints make it difficult to implement and monitor policies at all local levels. District councils have established planning or development committees which involve a range of stakeholders to coordinate the implementation and monitoring of the PRSP programmes at the district level. Civil society organisations sit on the national and district committees that formulate and implement development strategies and they are also playing a role in regulating the budgetary oversight structures.

The Quest for Gender Equity: Women and the Post-recovery GRB Process

The year 1998 was the year the government introduced free primary education and up to the level three-year post-primary schooling, as well as the provision of an affordable primary health care for all, and, in 2007, a free health care for under-fives children and lactating mothers began. However, the constraints presented by financial corruption, amid the dwindling of donor funding a decade after the war came to an end, continue to impede the expansion of service delivery in other public sectors.

In the pre-war years, the succeeding governments did not promote gender equality and equity through its programmes and budgets and there was no gender ministry until 1996. And the policies that were developed after this time have yet to achieve their intended outcome—i.e., its impacts are far less noticeable for women and girls as they had always lagged far behind with social indicators pertaining to their health, educational, social and economic needs.

The peace process leading up to the 1999 Lomé Accord that brought to an end a horrific civil war was dominated by a national yearning for the restoration of security. As such, the Lomé arena was not one where gender-related political demands were prioritised. Women’s overriding objective was the security of their families. Even though they were
at the height of their activism during the peacemaking process, they failed to lobby for empowerment. Their experiences during what could be referred to as a militaristically-led and patriarchally-conditioned peacebuilding left them with a deeper understanding of the historical social and economic injustices they had suffered during and after the conflict. This impetus to translate that knowledge (about “self” within the engendered lifescapes of Sierra Leone) into a platform for affirmative action was, however, lost after 2004 until recently.

One contributory factor was that women’s activism was not reinforced with a sustained nationwide public education on how to organise and run their organisations. As a result, their needs were not necessarily taken into account and included in the formulation of the post-recovery programmes on repatriation and resettlement, demobilization, rehabilitation, reintegration, and on most national reconstruction programmes.

It is no secret that even before the fighting had stopped, that funding was urgently required for medical treatment, housing and skills training for the survivors of sexual violence and other human rights abuses;\(^{54}\) It was also evident that a crucial aspect of the post-conflict recovery process was to improve law enforcement, the justice system and education coverage to safeguard Sierra Leonean women and girls from further sexual violence.

Yet these issues were not adequately discussed, partly, because the key stakeholders (rebels, government and UN peacekeepers) directly involved the peace process were too fixated on establishing militaristically-regulated security and, partly, because women did not have the skills to introduce other, gender-related issues into the peace negotiations and initial stabilisation phases.\(^{55}\) That said, and in


\(^{55}\) See Y. Jusu-Sheriff, ‘Sierra Leonean Women and the Peace Process,’ in David Lord (ed.),
line with a functionalist approach to governance, feminist democratic governance theorists have argued that national/sub-national legislative bodies, like any other political institution, are supposed to be ‘organic’ political institutions that promote group representation, individualism, and freedom of choice. However, this has not been the case in Sierra Leone, where customary dictates continue to play a major role in the determination of women’s place in society, especially so, at the political front.

The question to ask, therefore, is: will gender sensitive and responsible post-recovery national budgets promote gender equality? And, in retrospect, had these policies existed before the war, would Sierra Leone had escaped a decade-long bloody civil war? Though contentious, at least from a feminist perspective, the answer is simply a ‘big yes.’

Constructivist feminist scholars have long questioned the extent to which it is possible for women, as a gendered category, could effectively confront the patriarchal structures within the political sector in developing countries, and post-colonial Africa, in particular, without reinforcing counter-women equality heteronormative thought processes that would lead to the systematic use of SGBV to sustain a male-only political glass ceiling. The stereotyping of women have not only created a situation whereby political actions that concerns gender(dis)aggregated data collection for the development of policies priorities, and the establishment of mechanisms for the initiation and strengthening of policy dialogue (especially with women in the rural areas), it has also led to the creation of contested identities for the so-called women for whom and by whom GRB policies are adopted.

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However, a review of the aims and objectives of some women’s groups (during the course of this research), reveals that women do understand that when it comes to the relationships between gender equality and macroeconomic development; and in the calculation of the microeconomic contributions of women in the country total GDP the investment returns, the policy appraisal of the government and local councils have contributed to the creation of a sense of distorted identity for women and in reinforcing societal stereotypes that men are the makers of the Sierra Leone economy and women, the beneficiaries.

Before the eruption of the conflict in 1991, economic policy reforms were driven, in part, by gender power relationships, and their accompanied masculine constructions that became instrumental in maintaining a dysfunctional and gender-neutral microeconomic policy infrastructure. Had gender equality issues been given the same priority levels as national security reforms, and in the identification of sources of revenues and allocation of expenditures, it would have redirected the social energies of women from being advocates of women’s rights to pioneers of innovative approaches to economic development.

Of course, opportunities exist, but in the current national financial and economic what women want is too post-modern for the political leaders of Sierra Leone. As such, while women and women’s groups want 50/50 political representation, the government has resisted this grassroots demands. Instead, through a national four-year strategic plan for women, the government, backed by the international community, have insisted on a quota system that allocates 30% of participation, representation and resource allocation to women. Even at that, the government seems too reluctant to pass into law this quota plan (drawn up by the gender affairs ministry in 2010).
Moreover, while women’s groups are demanding that their concerns be translated from statements into measurement indicators of the government expenditures and investment returns, the (mostly male) politicians see this as too unconventional. While women’s groups are demanding a quota for women students in the tertiary institutions, especially in the male-dominated disciplines such as engineering, the government seems reluctant to not only do that, but is also not taking steps to ensure that the private sector, especially the mining industries, employ more women graduates.

That notwithstanding, one of the ways how women’s groups are participating in the whole GRB process is through the lobbying for the inclusion of gender-sensitive indicators. These pro-women empowerment multiplex and cross-sectoral indicators would enable policy-makers to track changes over time by sex, either by disaggregating the general gender-equality indicators or by designing indicators specifically to provide data on, say the prevalence of SGBV.

Through this, they have been able to draw the attention of policy makers that gender roles do exist, and, therefore the status of women should also be measurable in terms of the impact of economic development (through an increase in government fiscal spending) on the status of women, especially as they relate to the gender indicators of the MDGs. Finally, through a series of participatory surveys on the Citizen Report Card, women’s groups have provided feedbacks on the performances of the local and national governments on issues such as the (a) availability of gender-responsive/aware services; (b) satisfaction with such services; (c) reliability/quality of services and the engendered indicators (or its lack, thereof) used to measure their impact on gender equality; (d) the trends on how women are using public services and their obligation to use their moneys to service the available public infrastructures built for them; and, finally, (e) the observable impact of such services on the quality of life for women and children.
Conclusions

After the war in Sierra Leone, the stated government vision for women was empowerment through education, economic independence and strong political participation. To date the greatest budget-related investment strides have been made in primary and secondary education and, to a lesser extent, in governance and in achieving equal political representation for women. It is against this backdrop that I conclude that, while GRB strategies in Sierra Leone might need to remain under international tutelage owing to aid dependency in the budgetary process, efforts should be directed at making governmental financial allocation more gender context-specific and responsive to the views and capacities of women’s groups for whom and by whom GRB is adopted in post-conflict Sierra Leone.
Marginalized and Neglected: Identity Formation and Management Challenges among Uganda’s Urban Youth

Denis Musinguzi

Introduction

Uganda was formed as a country after attaining independence from the British in October 1962. Like many African countries, Uganda inherited a predatory colonial political system, which exploited resources to serve a small elite political group in a highly centralized government. Unfortunately, post-independence governments have almost invariably not succeeded in their attempts to transform the state infrastructure to serve the needs of the masses, but have instead used the state more to further agenda of political and economic patronage.

Consequently, all the post-independence regimes have at varying degrees worked to suppress any form of activism, including that of the organized youth groups that seeks to challenge the ills of government. While prior to independence the youth used university and political party structures as forums for leveraging their voice in state decision-making, these have often been met with brutal suppression across post-independence regimes.2 Besides, some of the opposing groups are often co-opted in government lest they are subject to state repression, with the urban youth, who are used in anti-regime protests by various interest political groups, bearing much of the brunt.

Uganda, as a country with rich and stunning diversity, has had a history of repression against certain identity groups whose complex legacies continue to hurt the country to-date. We refer to diversity as the uniqueness and plurality of identities of individuals, groups and

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1 Denis Musinguzi is a Lecturer in the Department of Good Governance and Peace Studies, Uganda Martyrs University, and 2009 UPEACE-IDRC PhD Fellow
societies within given geographical localities. Identity, as the central concept to the understanding of diversity, connotes often socially constructed markers, real or imagined, which distinguish individuals, groups or communities from one another.³ Uganda enjoys a multiplicity of identities, often classified under the categories of primordial and social markers.⁴ Primordial identity markers such as race, ethnicity, religion, language, kinship, clan, and region define Uganda’s diverse beauty; but also complicate relations across contemporary social, economic and political identities.⁵ Identity formation and management is particularly more complicated by inequality across age category, especially among the youth.

Seeking to situate the youth at the centre stage of governance, peace, security and development agenda, the chapter reflects on the challenges of identity formation and development among Uganda’s urban youth owing to their exclusion and marginalization by governance structures, and the potential this poses for national security. While the urban youth constituted about 14.5% of Uganda’s total youthful population by end of 2012, ⁶ the number has been on the increase due to overall national youth bulge and incessant rural-urban migration. Coupled with inadequacy or total lack in productive skills and the dearth of opportunities for gainful employment, the agility and vulnerability of the urban youth expose them to various survival and identity challenges. We acknowledge in this chapter that the youth are not a homogeneous social category but permit a degree of intra-diversity across the primordial and social identity markers. Beyond this intra-diversity, however, the urban youth in Uganda constitute a clearly distinguishable identity group of

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individuals who remain as marginalized in the country’s governance architecture as they are in socio-economic and productive structures.\textsuperscript{7}

In terms of its methodology, the analysis in this chapter is based largely on the review of various literature, documents and researches by state and non-state actors, in particular youth organizations. Primary data was obtained through Key Informant Interviews (KIs) with youth leaders within Kampala. Using purposive sampling to ensure fair representation, respondents were drawn from political and civil society actors in Kampala, Uganda. In total five political parties including the ruling party and three youth organizations were reached, drawing a total of fifteen key-informant qualitative interviews.

The chapter is divided into four sections. The first section conceptualizes identity, and briefly explores identity relations and the complex reality of managing diversity among the youth. The second section examines the key challenges that underlie exclusion and marginalization of the youth, hence complicate identity formation and management among them. The section underscores economic exclusion and marginalization, as well as ethnic and other identity-based political manipulation of the youth in Uganda generally and urban youth in Kampala city in particular.

The latter are a category of specific concern due to their destructive potential as leaders and key participants in anti-regime protests, riots and revolutions. Explicit in the discussion are other contributory factors to the youth’s vulnerability such as slow economic growth, lack of productive skills, appalling unemployment and limited access to capital, incessant rural-urban migration, and the effects of identity politics based on negative ethnicity.

The third section explores past and existing policies, strategies and initiatives established to include the youth in governance and national development so as to reduce their marginalization. The section explores

\textsuperscript{7} Mudoola, Dan, M. Religion, Ethnicity and Politics in Uganda (Kampala: Fountain Publishers, 1993)
political, institutional, legal, and policy structures that have over time been established to promote youth participation in governance and self-empowerment. Challenges inherent therein are explored to underscore structural and institutional limitations that constrain the effectiveness of those interventions.

The fourth and final section provides conclusions and brief policy recommendations on how to empower the youth and avert the looming identity crisis among the urban youth in their daily struggle for survival. Particular focus is placed on how the youth’s destructive potential could be transformed into productive outcomes for social and economic transformation. While the chapter draws country-wide reflections on the youth, particular mention made about the urban youth in Kampala, Uganda’s capital city.

**Identity and Marginalization: Demographic Reality and Review of Concepts**

**Understanding Youth, Identity and Diversity**

The latest State of Uganda Population Report (December, 2012), projected Uganda’s population at about 34.1 million people at the close of 2012. The report further indicates that in 2012 alone, about 1.7 million babies were born. This implied a high population growth rate of 3.2 %. While various factors contribute to the high population growth rate in Uganda, the main cause according to Uganda Bureau of Statistics (UBOS, 2012) is the high fertility rate of 6.2 children per woman, one among the leading fertility rates globally. If this high population growth rate continues unabated, Uganda’s population is estimated to hit a record 54 million in 2025, and 130 million people by 2050. But as we shall see later, of particular concern for our analysis

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is not the overall population size, but rather the age structure where the commanding majority of the population is below the age of 30. We are also gravely concerned that although a large youthful population is an opportunity for positive change, progress and social dynamism, it can also be a serious security risk for the country as youth continue to live in appalling conditions given the high level of diversity, exclusion and marginalization.

The term youth has attracted varied definitions, basing on age and other social and psychological factors. From the age perspective, United Nations (UN) defines youth as a section of the population which is aged between 15 and 24 years. The age category defining the youth changes with the Commonwealth states, which consider youth as those people aged 15 and 29 years. The age category changes further with Uganda’s National Youth Policy (2001, 2004), which defines youth as all young people, female and male, aged between 12 and 30 years.

The age category is further increased by the African Youth Charter (AYC), which defines the youth as people aged between 15 and 35 years. Despite the age variance, social and psychological factors have also been used to define the youth, by referring it to a period of growth, characterized with great emotional, physical and psychological changes that often require societal support for a safe passage from adolescent to full adulthood.

As noted earlier, however, the youth as a social category permit intra-diversity that further complicates their identity. Since the youth possess unique characteristics and potential to contribute toward transformation of the country, they should occupy particular interest for every country. It

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is thus important that every country prepares her youthful population by skilling and tooling them and providing them with various opportunities for improving their welfare.  

Diversity, on the other hand, is defined by Article 1 of the 2001 Universal Declaration on Cultural Diversity as “embodied in the uniqueness and plurality of the identities of the groups and societies making up humankind.” This broad definition of diversity is complemented by Deng, who confines diversity within specific geographical locations. According to him, diversity refers to the plurality of identity groups inhabiting a given geographical scope.

Taken in both contexts, Uganda enjoys a multiplicity of ethnic, cultural, economic, political and religious identities that define its diverse beauty, but also sometimes complicate relations across different identities. Added to conflicts, some scholars and policy makers have blamed Africa’s diversity to such other ills as low economic growth, political instability, high levels of economic inequality, and the abysmal performance of governments in the provision of public goods and services.

We hold though in the context of our analysis that diversity is not necessarily caused by those ills but more by its manipulation and instrumentalization of differences, as well as a combination of other social-economic and political causes.

Explicit in the two definitions of diversity is the concept of identity. Identity refers to real or imagined and often socially constructed

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markers that distinguish individuals, groups or communities from one another. Identity markers are classified under primordial and social categories. Primordial markers relate with the very networks into which a child is born and grows, while social identity markers can be formed along primordial markers. Primordial identity markers include the oft exclusive identity markers such as race, ethnicity, religion, language, kinship, clan, and region; while social identity markers are based on nationality or citizenship of a country, depending largely on the levels of development and nation-building. While the exclusive markers can lead to sub-nationalist narratives, the inclusive ones lead to narratives of national unity, national citizenship and patriotism.

We should also note that social identity markers such as occupational associations, political affiliations, media groups, business organizations labor unions, academic associations, human rights and various other civil society groups to which the youth seek to associate and identify themselves are formed across primordial identities as well as across national citizenships. This means that membership to such organizations cuts across different religious and ethnic divisions, and other social categories such as age. However, these markers are often based upon purposive choices, technical necessity, and common interests or incurred moral obligation, which are often out of reach by ill-educated, if at all, and impoverished urban youth. Social identity markers are well-developed in countries where state building, economic diversification and interdependence, educational facilities, communication networks and social capital or civic institutions that lie between the family and the state are developed and more advanced. Incidentally, such an environment remains either too weak, hostile or totally non-existent in Uganda as in most of Africa.

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17 Parekh, B. 2008. *A New Politics of Identity*
This is in part due to limited diversity of the economy and failure of governments to allow the establishment of the political space that facilitates the development of civil society organizations.\textsuperscript{20}

Added to the above categorizations, Parekh (2008) identifies three related but different dimensions of identity. The first dimension is the personal identity, referring to each individual’s uniqueness, distinct centres of consciousness, biological details and distinct sense of selfhood. The second dimension is the social identity, entailing the social embedment of different ethnicities; religious, cultural, national and occupational affiliations.

The third and last dimension is the human identity. These three dimensions are intertwined and inseparable; hence they mutually reinforce each other to form what Parekh calls the individual identity or collective identity.\textsuperscript{21} Human beings, including the youth, identify themselves as rational species, with inherent ability of choice and conduct, and shaping the desired way of belonging and living. Unfortunately, the rationality that would otherwise aid the youth in identity formation and management is overly obstructed by inequality and extreme depravity that define their reality and daily struggle for survival.

Implicit in our understanding and analysis of diversity relations is the failed role of government, in particular the state’s inability to address the problems of equitable citizenship rights and equitable access to resources for development among all identity groups including the youth.\textsuperscript{22}


\textsuperscript{21} Parekh, B., \textit{A New Politics of Identity}

\textsuperscript{22} Atta-Asamoah, \textit{Overview of the Nature and Management of Diversity in Africa}
Uganda as a country must strive to achieve high quality of her large youthful population since quantity and quality population is very paramount in the development process of any country. The quantity and quality of the population determine the methods of governance for both central and local governments; and is also essential in the appropriation of national resources for effective and efficient delivery of services. Population trends have opportunities, challenges, weaknesses and prospects as regards service delivery and development of any country.23 Unfortunately, breaking such a vicious cycle of governance deficit remains a daunting challenge for the youth in identity formation, management and development.

**Diversity and identity formation**

While identities among the urban youth are robustly plural, diversity emerges from two fundamental constructs. First is the construct of ascribed and oft primordial traits such as gender, religion, ethnicity, language and kinship. Such identities are acquired through birth and, therefore, tend to be deeply-rooted, highly respected and largely unchangeable.

The second construct represents identity based on socially attained traits such as beliefs, values, practices or usages and experiences.24 But as noted by Sen, people can simultaneously belong to a great variety of identities by choice, depending on the relative importance attached to the respective identities.25 We must note that such choices, like every other choice, are made within particular constraints. Such constraints underpin the central argument of this chapter, the contemporary challenges of identity formation and development among the urban youths in Uganda.

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Instructively, many of the primordial markers of a given identity group overlap with those of other groups, for instance linguistic and religious communities often extend far beyond the boundaries of kinship or ethnic identity. Similarly, race, ethnicity, kinship, and clan identities also do not necessarily constitute homogeneous groups, since such groups may practice different religions, operate under different modes of production with different institutional systems and frameworks, and belong to different social classes.26

Such fragmentations of diversity create many social spaces and perpetuate diverse institutional system. Besides, primordial identities also embody other identity markers such as those based on gender, age, sexual orientation, and one’s origin, especially in reference to indigenous or migrant communities.27 Identity formation along the socially-embedded markers is relatively easier since it is largely determined by one’s achievements; but sadly out of reach for most youth due to glaring depravity and inequality. On the contrary, primordial identities such as race, ethnicity, clan, and religion are exclusive and often reinforced by social chauvinist environment.

If well managed, Uganda’s rich diversity would serve as a great potential for the country’s socio-economic and political growth and progress. Indeed, Uganda’s first two post-independence regimes are credited for having productively engaged diversity to create national character that was responsible for equitable social service delivery although the same lacked in the recruitment and management of armed forces and became recipe for armed conflicts.28

26 Esuruku, Robert Senath, “Youth Identity, National Unity and Development in Uganda: Prospects and Options”
Hence, the uniqueness and rich depth of Uganda’s diverse characteristics holds the potential for creativity and innovation on one hand and for social evolution and sustainable development on the other. Unfortunately, rather than un-tap its potential, diversity has more often than not been manipulated by the ruling elite to serve to perpetuate inequality, socio-cultural and religious bigotry, ethnic differences and political exclusion, with the youth being the most affected.

To a greater part, manipulation of diversity accounts for the country’s most dark moments of social strife and barbaric conflicts; and continues to polarize the Ugandan community across its multiple identities, often pitting one group against the other.\(^{29}\) This observation finds realistic expression in the life of the urban youth who, in their daily struggle for survival, are easily manipulated to serve divisive interests of the ruling political elite or are mobilized by opposing groups to participate in oft violent anti-regime protests that perpetuate insecurity and expose them to danger including loss of life.

In Uganda, diversity has often been manipulated by divisive politics, often motivated by parochial interests of individual politicians or the minority ruling elite. This has been worsened by limited capacity of legal and administrative infrastructure for its proper management.\(^{30}\) This reality has borne with it numerous contemporary challenges of identity formation and management among the urban youth in Uganda that form the central concern of this chapter, with particular focus on the urban youth in Kampala.

Kampala is Uganda’s capital city and the largest in the country. Kampala City boasts of a population of approximately 3.5 million people, with remarkable cosmopolitan representation.\(^{31}\)

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29 Atta-Asamoah, A., *Overview of the Nature and Management of Diversity in Africa*

30 Interview with a Youth Leader, Kampala Central Division, Kampala, January 6, 2014

31 Mudoola, Dan, M., *Religion, Ethnicity and Politics in Uganda*
While the challenges related to youth identity formation and management are quite diverse, they are analysed in this chapter under two broad categories, namely exclusion and marginalization, and identity politics based on negative ethnicity.

**Challenges of Youths’ Identity Formation and Management**

*Exclusion and Marginalization*

As reported by the United Nations Economic Commission for Africa, 2011, managing diversity has been both a ‘scourge and a challenge’ for many African countries. It has been a scourge because of the human, material, and social costs of diversity-related conflicts. Managing diversity has also been a difficult challenge, largely due to poor diversity and identity relations, epitomized by the state’s inability to address the problems through dispensation of equitable citizenship rights and equitable access to resources for development among all identity groups.\(^{32}\)

In agreement with Gurr, we contend that Uganda’s urban youth experience various forms of marginalization, including demographic, economic, political, cultural, and institutional marginalization.\(^{33}\) The youth find it all the more difficult to break into such vicious cycle of deprivation due to high levels of illiteracy, exclusion and marginalization. Yet the youth, who often encounter a host of problems in many African countries such as Somalia, Nigeria, Ghana, Ethiopia, Democratic Republic of Congo, Tanzania, Kenya, Rwanda and Uganda, among others can easily contribute to social instability.\(^{34}\)

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We are concerned, in our context, that Uganda has the youngest population in the world, with over 78% of its population below the age of 30 years, as revealed by the state of Uganda population report in December 2012. In addition, there are 6.5 million Ugandans aged between 18 and 30 years, constituting 21.3% of the total population. This youthful age is projected to grow to 7.7 million people by 2015.

The report highlights the continuous growth in the population of people below 18 years, from 51.4% in 1969, to 53.8% in 1991, and 56.1% in 2012. Sadly, the same report indicates that at least 83% of the youth in Uganda have no formal employment. Such a huge young population exerts pressure on the economy and, unless transformed into a productive work force, posses, as is often the case, a great potential for destructive outcomes.

Incidentally, Uganda’s high population growth rate correlates with the growth of urban population. As indicated by UBOS (2012), urban population in Uganda has registered continuous increase over the last three decades. See details in Table 1 below.

Table 1: Urban Population Trends in Uganda from 1980 to 2012

<table>
<thead>
<tr>
<th>Year</th>
<th>Population in millions</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>0.8</td>
<td>6.7</td>
</tr>
<tr>
<td>1991</td>
<td>1.7</td>
<td>9.9</td>
</tr>
<tr>
<td>2002</td>
<td>2.9</td>
<td>12.3</td>
</tr>
<tr>
<td>2012</td>
<td>5.0</td>
<td>14.5</td>
</tr>
</tbody>
</table>

Source: UBOS 2012

As indicated in the table above, approximately 14.5% of Uganda’s population is living in urban areas today. While 14.5% is a slightly

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36 International Alert, Uganda, *Youth Perspectives on Identity and National Unity in Uganda* (Kampala, November 2013)
smaller percentage of the overall youthful population, we are concerned the number is on the increase and hence require governance and strategic policy responses to be harnessed for development purposes. Increase in urban population is attributed to incessant rural-urban migration, natural growth, and the Uganda’s “districtization craze” witnessed through exponential creation of new districts, from 33 districts when the National Resistance Movement (NRM) took power in 1986, to 56 districts in 2002, and a whooping 124 districts by close of 2012.37

Yet, as prefaced by the Uganda Youth policy, 2001, the lives of millions of Ugandan youth are marred by poverty, inadequate education and skills, inadequate work/employment opportunities, exploitation, diseases, civil unrest and gender discrimination.

The environment they live in brings both new possibilities and new risks that undermine the traditional social support that helps the youth prepare for, negotiate and explore the opportunities and demands of their passage to adulthood.38 While efforts have since been enunciated and implemented to improve their plight, the youth in urban areas still live under appalling conditions of poverty, misery and utter deprivation.

One of the key challenges faced by the youth in Uganda is the failure of the educational system to prepare them for gainful employment.39 This fact is confirmed by the state of Uganda population report (2012), which indicates that currently at least 83% of the youth in Uganda have no formal employment.

Lack of access to productive ventures in rural settings expose the youth to rural-urban migration, which exacerbates their living conditions. Coupled with educational failure, lack of access to productive ventures in rural areas as in urban centres, multiplies the hardships of the youth,

38 Government of Uganda, National Youth Policy, 2001, Ministry of Gender, Labour and Social Development, Kampala, Uganda
39 Government of Uganda, National Youth Policy, 2001
who form the largest section of urban and peri-urban poor. Other factors that facilitate this trend include slow economic growth, unemployment due to the small labour market, high population growth rate, rural-urban migration and limited access to capital. Slow economic growth limits creation of jobs that would absorb the youth in gainful employment, while high population growth increases the number of youth who are not engaged in production and are more of dependants on the small productive population.

Exposure to foreign culture through various media outlets during their formative years also alienates the youth from their own culture. Under such conditions, the youth in Kampala City face identity crisis in their daily struggles for survival. As a result, the youth easily become a source of social instability by leading or participating in anti-regime protests, riots and revolutions at the hands of self-seeking politicians, often with deleterious effects.

Youth’s vulnerability is further complicated by the fact that access to social and economic services has over the years been generally limited among the poverty-ridden population groups. Dominant causal factors for this vulnerability range from high and increasing levels of social and income inequalities, extremely weak and nonresponsive service delivery system and infrastructure, to high and appalling levels of exclusion in the development process and limited employment opportunities among others.

In fact, income inequality, lack of employment opportunities and exploitation of working youth, and lack of access to basic services exacerbate youth’s vulnerability for urban youth and, due to lack

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40 Atta-Asamoah, A., Overview of the Nature and Management of Diversity in Africa; Mudoola, Dan, Religion, Ethnicity and Politics in Uganda

41 Esuruku, Robert Senath, “Youth Identity, National Unity and Development in Uganda: Prospects and Options”

of necessary redress, complicate not only the identity formation and management but also their livelihood. Identity formation and management is complicated by the above factors since they limit means and avenues of youth’s interaction and expression.

The 2012 state of Uganda population report further indicated that Uganda has the highest youth unemployment in Sub Saharan Africa; and that employment is expected to remain one of the country’s main challenges for future development planning and strategizing.

The report attributes high youth unemployment to slow economic growth and small formal labour markets, high population growth rate, lack of sufficient experience and skills, lack of decent work, the rigid education system, rural-urban migration, limited social networks and youth’s limited access to capital support systems.

In fact, some of the manifest causes of the high youth unemployment rate relate with the fact that many youth lack employable skills, access to resources like land and capital. The youth are also said to have negative attitude towards certain types of work. Uganda’s education system and the existing government policies seem to focus more on creating job seekers and not job creators.

Harrowing with their frustration, the urban youth are easily exploited by the political elite to serve the latter’s personal gains. Instead of mobilizing the youth with diverse identities and improve their productivity so that they can live in peace as a community, cooperating with each other to advance their mutual wellbeing, the self-seeking politicians prey to their vulnerability.

It was revealed during interviews that seeking for alternative forms of identity and expression, the youth frequent the mushrooming Pentecostal churches, which offer promises of divine blessings and answers to their cravings in addition to offering opportunities for recreation. The vibrant churches easily earn credit for their offer of temporary solace,

43 Interview with a Youth Leader, Rubaga Division, Kampala, January 6, 2014
but the frustration comes sooner than later as the youth’s numerous expectations are overwhelmed by non- eminent or total absence of divine intervention.\textsuperscript{44} In the end, the youth’s unfulfilled interests and manipulation by political elites create conflict of interest and ideas across socio-economic and political arenas. Youth mobilization often takes ethnic lines, while unmet promises for economic gains make them wander from one political actor to the other. These differences, often not well managed, complicate youth identity formation and development.

The unfortunate effect of political manipulation is that the narratives of various mobilized sub-nationalist groups frequently exaggerate the magnitude of the problem or problems they face, relative to those faced by other groups. In such situations, even efforts by state and non-state actors that were originally aimed at addressing access to resources that are perceived to be unjust or unfavorable to some groups, end up being used by political actors to further fragment the youth as their predators toe parochial personal interests.

Unfortunately, added to the glaring governance deficit as well as the inequitable access to opportunities, diversity, especially racial and ethnic diversities, which are built on blood ties among their members, are transformed into centres of political mobilization and power contests, with far-reaching adverse impact not only on the faltering plight of the urban youth, but sadly also on their livelihood.\textsuperscript{45}

\textit{Identity politics and negative ethnicity}

We defined diversity as plurality of identity groups; and identity as real or imagined and often socially constructed markers that distinguish individuals, groups or communities from one another. Identity markers are classified under primordial and social categories.

\textsuperscript{44} Interview with Youth Leaders, Kampala Central Division and Rubaga Division, Kampala, January 6-10, 2014

\textsuperscript{45} Ibid
Primordial markers, which constitute the networks into which the child is born and grows, at one level embody the exclusive identity markers such as race, ethnicity, religion, language, kinship, clan, and region and, at another level, inclusive identity markers such as nationality and citizenship. While the exclusive markers can lead to sub-nationalist narratives, the inclusive identity markers lead to narratives of national unity, equal citizenship rights and patriotism.  

Conversely, social identity markers are formed across primordial identities and include identity markers such as occupational associations, political affiliations, media groups, business organizations labor unions, academic associations, human rights and various other civil society groups.

In line with Sen’s postulation of multiple belonging, social identity markers are often based upon purposive choices, technical necessity, and common interests or incurred moral obligation. However, multiple belonging can only be nurtured in an environment where state building, economic diversification and interdependence, educational facilities, communication networks and social capital have been developed. While these are steadily forming in Uganda, in reality they are still weak.

The effect of identity politics and negative ethnicity is largely reflected in form of historical animosities and mistrust among identities and spill-over effects of state identity conflicts; legitimacy deficit and ineffectiveness of the state; identity leaders who mobilize identity groups; violent suppression of identity-based demands; competition for resources and power across identities; religious intolerance and cultural chauvinism. State identity is affected by identity politics due
to nepotistic tendency that often manifest in governance whereby those who hold public offices dominate them with people from their localities. Since some of Uganda’s historical and leading political parties such as the Kabaka Yekka (KY), Democratic Party (DP), and Uganda People’s Congress (UPC) were formed along the lines of primordial identity markers, notably ethnicity and religion, competition for power among such parties often limit youth’s ability of identity across different identity lines. With unemployment and the presence of religious and cultural intolerance and chauvinism especially during employment processes stemming from poor historical relations, identity crisis among the youth becomes even worse.

Unfortunately, many a time such divisive narratives have become highly polarizing since in their mobilization the youth tend to relate the goals they seek to achieve to group survival, with both goals and group survival dependent on identity lines such as ethnicity, religion, social class and economic achievements. Breaking such a vicious cycle remains a daunting challenge for identity formation and development among the urban youth in Kampala.50

Incidentally, quite a significant number of youth in Uganda in general and Kampala City in particular, seem to be frustrated more by their own environment. For instance, in the absence of government, the youth are seeking their own alternatives. Frequently, urban youth represent the vision of a social order as they struggle to emerge out of their depravity despite repression and economic hardship.

Unfortunately, the youth are more often than not caught up in multiple frustrations as they seek to have their voice heard in a political environment where basic structures are not conducive to listening to young voices.51 This being largely the reality in Uganda today has

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50 Interview with Youth Leaders, Kampala Central Division and Rubaga Division, Kampala, January 6-10, 2014. See also Mudoola, Dan, M., Religion, Ethnicity and Politics in Uganda
sadly often resulted in risk taking in illicit activities, impatience and anti-regime militancy manifested through violent demonstrations by the youth that are increasingly becoming a common phenomenon in Kampala city. The conditions under which the youth live have been an opportunity for exploitation by different socio-economic and religio-political orientations seeking to mobilize and capture the allegiance of the youth in form of persuading them for employment opportunities especially abroad.52

However, because of frustration due to non-responsiveness to their needs, the youth in Uganda today no longer accept or respect such structures. Instead, they are increasingly demanding for a voice of their own. The establishment of the Uganda Parliamentary Forum on Youth Affairs (UPFYA) is a manifestation of youth’s agitation and a firm recognition of youth’s role, owing to their being numerous, energetic, and in need of various alternatives for survival.

Launched by the 8th Parliament in 2008 and consisting of youthful legislators (below 30 years), UPFYA was established to respond to the challenges of huge youthful population and to purposely promote effective and meaningful representation of issues of concern to the youth through legislation, budget appropriation and oversight.53 Addressing the youth as core segment in governance and policy priorities especially given their huge and growing size is essential for leveraging their potential to contribute towards development and mitigating security risks resulting from their redundancy.

It is precisely due to the aforementioned characteristics that the youth represent a formidable force for social and political change. But in a demographically imbalanced country such as today’s Uganda, the youth represent not only the immense potential for opportunity, but also pose a serious threat to national security as long as their existential needs

52 Interview with Youth Leaders, Kampala Central Division and Rubaga Division, Kampala, January 6-10, 2014
53 More details available on: http://www.upfya.org/?page_id=84
remain unmet.\textsuperscript{54} But as it was revealed during interviews with the youth, both the actors demanding for change and those seeking to defend the existing order sadly prey to the youth, with each group mobilizing the youth to their side. This remains a daunting challenge for the urban youth in Kampala City. Unless the Government of Uganda finds solutions for the majority youthful population, which rapidly grows larger each passing year, the youth will remain poor, more discontented and militant, hence posing serious security threat.

With increased access to education and means of social communication like newspapers, radios, televisions and magazines, majority of the youth have reneged on socially acceptable virtues like hard work and patience; they are now willing more than ever before to hustle for money and instant gratification, even when such gains are earned through criminal activities. This instant mentality, which is fast taking root into the conscience of majority of youth, is not helped by stories of fellow youth who accumulate ill-gotten wealth through political patronage and corruption.

The instant mentality, the urge to accumulate wealth instantly, is worsened by many young a politician who have made a fortune through corruption.\textsuperscript{55} This evokes jealous and sense of competition among the youth, creating further cleavages as they seek to identify and empower themselves. In urban areas such as Kampala and its peri-urban environs, hysteria for quick deals has replaced the virtue of hard work, with cheating, dishonesty, robbery, and debauchery taking the toll order as dominant narratives in social circles and various news outlets. This obviously poses a great threat for the security of the country.

Most challenges of youth identity formation and development are directly linked to and caused by governance deficit and self-serving leadership that have perpetuated inter-identity conflicts for regime

\textsuperscript{54} International Alert, Uganda, \textit{Youth Perspectives on Identity and National Unity in Uganda} (Kampala, November 2013)

\textsuperscript{55} Interview with opposition political party leaders in Kampala, January 6-10, 2014
survival. As noted by Gurr (2000), different identity groups, including the youth, generally rebel against the state because they are dissatisfied with the terms under which they are incorporated into it. In most cases, however, the grievances are about lack of access to resources and opportunities, with the struggle aimed at changing the real and perceived deprivations.

Both points of view underscore the fact that identity struggles are essentially a reflection that the state has not yet established effective political, economic, social and cultural governance system that accommodates the interests and aspirations of the diverse identity groups, which would have otherwise enabled them to cooperate peacefully and mutually identify with and benefit from each other.

In short, identity struggles are essentially motivated by genuine urge for the youth to meet their existential needs. Unfortunately, the struggles are also a reflection of the state’s failure to establish effective political, economic, social and cultural governance system that accommodate the diverse interests and aspirations of the youth, which would enable them to identify with, cooperate and mutually benefit from one another.

Finally, challenges of youth identity formation and development are directly linked to and caused by political manipulation and self-seeking political elites, who perpetuate inter-identity conflicts for personal gains or regime survival. Yet, in spite of their diversity, the youth could still live peacefully together and cooperating with other groups to advance their shared well-being. It is worth noting, however, that various investments have been made and industries have been established in the service sector especially the telecommunication and banking industry, as well

as in agriculture and ecotourism; and these have continued to absorb the youth in formal employment, thereby enhancing their livelihoods and also reducing their vulnerability. Below we present some of the past and existing reforms for youth empowerment.

**Past and Existing Reforms for Youth Empowerment**

The potential of Uganda’s urban youth, especially in playing an economically productive and socially reconstructive role, has largely remained a question of mixed fortunes. We have argued in this chapter that the youth, if well managed through responsive government policy, possess high potential for social–economic progress. Hence, any form of activism, both by state and non-state actors, that seeks to empower the youth is essential for personal and social development of the youth, thereby increasing their ability to substantively play constructive roles in society. We agree with Drani’s contention, thus, diversity is healthy because it creates opportunities to present alternatives and enhances competition for excellence.

Differences in terms of ethnicity, religious ideology, political affiliation, gender, social status are often a given and tension between differences is therefore expected. However, how these tensions are managed determines whether relationships will be productive, unproductive or escalate into outright violence.

Therefore, managing diversity requires effort – effort to engage with difference, to be tolerant, respectful, committed and free from fear of losing our distinct identities. The question therefore is “*Are we ready to engage with difference on an equal footing?*” “*Are we ready for unity in diversity?*”

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58 Drani, E., “*Fostering Unity in Diversity in Uganda.*” The Cross-cultural Foundation of Uganda (CCFU). Discussion paper presented at The 3rd Governance Forum organized by the Uganda African Peer Review Mechanism National Governing Council and the Uganda Human Rights Commission, 26th Feb 2010
The Uganda Government has over the years worked tirelessly to put appropriate structures and systems in place, to set and refine the legal framework, attendant regulations and guidelines, and to build implementation capacity at central and local government levels for effective popular participation and service delivery. Planning for youth empowerment and participation in governance and development dates back to the 1960s when a section on Youth affairs was established within the Ministry of Culture and Community Development.

The Government also established three Youth Organisations namely: National Union of Youth Organisation (NUYO), which was replaced by Uganda Youth Development Organisation (UYDO) in the 1970s; National Union of Students of Uganda (NUSU) and Youth Farmers Union (YFU). NUYO was established to empower out-of-school youth between the ages 13-30 years with productive skills; NUSU was mandated to inculcate patriotism and a sense of national character among the youth in Secondary and Tertiary Institutions; while YFU aimed to empower in and out-of-school youth between 10-25 years with relevant skills for development. Each of these youth bodies fell under the mandate of different Ministries. NUYO was under the Ministry of Culture and Community Development; the YFU was under the Ministry of Agriculture, while NUSU was under the Ministry of Education. 59

All the mentioned youth organisations received substantial and extensive support from Government in terms of resources and facilities due to the stronger economic base the country enjoyed at the time as well as appreciation of the role of the youth’s contribution to national development.

The youth also enjoyed substantive support from International Agencies such as Food and Agriculture Organization (FAO) towards the YFU programme, United Nations Children Fund (UNICEF) and United Nations Development Programme (UNDP) for girls and vocational

59 Ministry of Gender, Labour and Social Development (MoGLSD), The National Youth Policy: A Vision for Youth in the 21st Century (Kampala: MoGLSD, 2001)
training. However, post-independence regimes became increasingly repressive, and the state advertently destroyed and re-engineered youth structures with the aim of curtailing all dissenting voices from youth organizations, civil society and political parties.

Many young people were manipulated by rebels and self-seeking politicians to cause mayhem during the unstable quasi and military rule between 1966 and 1986. The National Resistance Movement (NRM) take-over of government in 1986 came with it much promise of creating state structures that would provide young people and other vulnerable interest groups with platforms to engage in the policy making process.60

While many of the youth structures either collapsed or fell into disuse over the years, there have been remarkable policy reforms under NRM government over the last two or so decades. The enactment of the National Youth Council Statute in 1993 and the implementation of decentralization policy in 1997 deserve particular mention.

The National Youth Council Statute was meant to organize youth into a unified body to participate in the development process. The decentralization framework, on the other hand, enunciated provisions for youth representatives in Parliament; and for creation of district youth councils, sub-county and village youth councils. Since these reforms are often manipulated to serve parochial political gains, marginalization of the youth persists as their involvement and participation in leadership and decision making remains low.

The youth are treated by affluent and political actors merely as lowly but strategic actors who deserve charity rather than bona fide beneficiaries of programmes and services or as active participants in the development process.61

60 Esuruku, Robert Senath, “Youth Identity, National Unity and Development in Uganda: Prospects and Options”
Larok, Okiring, and Mayambala\textsuperscript{62} offered four interesting case studies of youth participation in influencing the national policy processes in Uganda; and concluded that Ugandan’s youth movement is still at a crossroad. The four case studies are: youth engagement with the legislative processes; youth participation in the campaign for a Youth Jobs Bill 2010; youth participation in the national legislature; and youth participation in the National Development Plan (NDP) process. These efforts underscore a credible attempt at empowering the youth so that they can use their strengths and take advantage of the existing opportunities to contribute to national development.

With regard to youth engagement in the legislative process, the authors cite a survey carried out by Friedrich Ebert Stiftung (FES) in 2001, which indicated that in spite of the existing legislative provisions for youth representation in Parliament and Local Government, their involvement has not yielded meaningful gains for youth; and that not much has been done to ensure that the youth take ownership of governance. Instructively, the survey informed an important idea that resulted in the consolidation of the Youth Forum and the formation of Youth Analysis Board (YAB) in 2002.

The youth forum was formed to help youth organizations and interested individuals to promote youth interests, while YAB was charged with the responsibility of analyzing draft legislation and other issues related to youth policy that were before parliament. The aim was to increase sensitivity of youth-related policies to the realities of the youth.

As part of its achievements, YAB influenced the amendment of the National Youth Council (NYC) Act, 1993 to make it more responsive to the needs and interests of the youth. The Youth Forum’s memoranda were pushed through the Constitutional Review Commission (CRC), and several of their proposals were adopted by the Committee. YAB also succeeded in the demand for youth’s representation in the Equal

\textsuperscript{62} Larok, A., H. Okiring, and J. Mayambala, \textit{At Crossroads? The Youth, Politics of Interest Groups and influencing National Policy Processes in Uganda}
Opportunities Commission (EOC), and also influenced the Land Amendment Bill of 2002 as recommendations on the interests of the youth were adopted by the Natural Resources Committee of Parliament and incorporated in the 2002 Land Amendment Committee Report to Parliament. These achievement are significant in addressing the plight of the youth in Kampala city since they address issues at the core of identity formation and management challenges.

Despite its achievements, the re-introduction of multiparty political dispensation negatively affected YAB performance. Most of its key members had to concentrate on their specific political party issues instead of continuing with youth agenda more generally. Although YAB lacked connectivity with youth in rural areas since it was largely elite driven and urban based, its relevance in the context of our analysis is quite significant. However, as an informal forum YAB lacked legal impetus for its sustainability. YAB eventually metamorphosed into the current Uganda Youth Network (UYONET), although its strong policy and legislative appeal has progressively been subdued in wide-ranging UYONET’s activities.

The second case study is youth engagement in the Youth Jobs Bill 2010, which was precipitated by the government’s failure to address youth challenges. The effort was championed by the youth from seven main political parties, namely the Conservative Party (CP), the Democratic Party (DP), the Forum for Democratic Change (FDC), the National Resistance Movement (NRM), the People’s Progressive Party (PPP), the Uganda People’s Congress (UPC) and the Justice Forum (JEEMA), in collaboration with other youth organizations and stakeholders.

The key issues of concern were poor quality education system; high levels of unemployment; and unfair investment policies that leverage privileges of tax holiday to the selected few and foreign investors at the expense of local investors. Although the resultant law is yet to be realised, we acknowledge as crucial the well-intention of this cross-cutting initiative that sought to transcend identity boundaries.
The third case study is youth engagement in the political process, in particular the 2005 and 2010 National Youth Manifestos. This forum epitomised a landmark effort in articulating the concerns of the youth through a democratization processes. The key issues of concern were youth representation and participation in decision making, quality of education, youth unemployment and wealth creation, health, peace and conflict resolution, morality and ethics, as well as youth enterprise and innovation. All the efforts were aimed at fronting a common youth agenda as the basis of which the youth would hold leaders and the government accountable.

This engagement was also significant for fronting a common platform by the youth from different political parties and organizations, which would enhance identity among the youth. Efficacy of the engagement was hindered by limited resources for mass mobilization, low levels of civic literacy, and limited youth exposure and understanding of the dynamics of multiparty politics.

The fourth and final case study is youth participation in the National Development Process (NDP) through a two-day national youth consultation in June 2009. Various youth organisations, with support from the United Kingdom’s Department for International Development (DFID), shouldered the challenge of engaging with the highly technical process of developing a National Development Plan. Consultations with youth yielded recommendations that formed part of the formulation of the five-year National Development Plan, 2009 to 2014.

The rationale for involving a large number of youth in NDP processes was to enable the youth, as the majority of the population to support, engage with and promote national development so as to minimize the risk of youth apathy or violence. All these efforts were marked with a mixture of success and failure. While all the four case studies faulted at implementation, they signify credible attempt to constructively engage with the youth so as to increase their productivity and reduce their destructive potential.
Instructive for our analysis, the above efforts further demonstrate the youth galvanizing together regardless of their diverse identities, which is a positive development in the attempt to surmount the challenges of identity formation and management. As reported by Uganda’s latest state population report, engaging young people in decision-making is the healthiest way to bring about meaningful transformation in the country. This increases their level of productivity. Youth have recently showed their power in local communities and around the world where they strive to influence change and policy inputs on matters affecting them.\(^6\)

However, as Uganda continues to aspire to transform her society from a peasantry to a modern and prosperous country within 30 years and attaining middle income status by 2017,\(^6\) various policies have over time been initiated and implemented by government. Such policies include the National Employment Policy, the National Education Policy, the National Population Policy and the National Population Policy Action Plan, among others. All these policies accord vital importance to skills development and empowerment of the youth as a means to raise their productivity, incomes and enhance competitiveness of the economy.\(^5\)

This is very important since all the mentioned policies underscore the recognition of the youth as vibrant contributors to national development plan. The policies also underlie government’s willingness to invest consistently in the youth empowerment. Government initiatives such Universal Primary Education (UPE) and Universal Secondary Education (USE) deserve particular mention as important milestones to the education and empowerment of young generation, the various implementation challenges notwithstanding.


\(^6\) National Development Plan (NDP, 2010/11-2014/15)

The BTVET\textsuperscript{66} Act of 2008 and the National Education policy all emphasize skills development for the youth in Uganda. This, to the extent consistent with the level of implantation success, has remarkably been one of the country’s milestones in the quest for increasing competitiveness and skills development for employment of the youth. While challenges still abound as to the effective implementation the policies, Uganda stands to reap from this young population once the implementation bottlenecks have been overcome; and when the question of applicability of the skills gained to the productivity and economic growth and development of the country have thoroughly been addressed and reconciled.

In addition, the NRM government also created agencies and ministries aimed at streamlining the participation and contribution of the youth to national development. Such initiatives were established as legal and policy tools, rooted within the national constitution and other related government laws, and monitored through the National Development Plan (NDP).

Other state agencies such as Ministry of Gender, Labour and Social Development in-charge of Youth and the UN Agencies, in particular, United Nations Population Fund (UNFPA) and UN-Habitat have engaged in many campaigns to promote equity and justice by using population data in supporting policies and programmes to reduce poverty, inequality and marginalization, and to promote rights of the youth and ensuring their safety.

But since the youth lack homogenous identity, some remain disadvantaged on the basis of skills, level of education and specialization, and also depending on other such identity markers such as one’s sex, place of residence, socio-economic context, economic circumstances and marital status.\textsuperscript{67}

\textsuperscript{66} BTVET is three-tier business, technical and vocational education and training system
\textsuperscript{67} The Republic of Uganda, \textit{The State of Uganda Population Report 2012, Uganda at 50 Years, Population and Service Delivery: Challenges, Opportunities and Prospects}
To enhance development of technological skills at an early age, the Government of Uganda, in collaboration with its developing partners, have instituted new development aimed at addressing the primary constraints. For instance, working with partners such as the World Bank and African Development Bank, the government is building new secondary schools, as well as libraries and laboratories, to reduce overcrowding. Government of Uganda is also making USE support available to eligible private schools and dividing students into “shifts” to maximize use of facilities.

Similarly, addressing curriculum concerns, the National Curriculum Development Center (NCDC) in the Ministry of Education and Sports will begin revising the secondary school curriculum whose implementation is expected in 2014. Expected changes include: reducing the number of core subjects; including more practical skills; and adapting the primary school, life skills curriculum for secondary schools.68

All the policy provisions were and are aimed at achieving long-term benefits for the socio-economic transformation of the country in general, and the youth in particular. While the policies do not represent particular responses to youth identity issues, if successful they could go a long way in achieving youth empowerment, thereby easing their identity formation and management across different identity markers.

This is particularly vital for urban youth who struggle daily for survival. We must admit, however, that there are no easy solutions to the challenges faced by the urban youth as one of the most vulnerable members of the population. To effectively respond to youth’s challenges requires careful planning and responsive interventions.

Conclusion and Way Forward

The youth bulge in Uganda in general and increasing urban youthful population in Kampala city in particular raises pertinent identity formation and management challenges but also serious governance and security concerns. The urban youth in Kampala city remain largely neglected and marginalized in governance structures and systems, yet when empowered with requisite skills to engage meaningfully in social, political and economic productivity they can serve as essential agents of change. Because of their vibrant energy and inner urge to create a world of their own, the youth can be important agents of socio-economic and political transformation. However, the same energy can be used for social destruction if their potential is not engaged constructively, as urban youth frequently take it to the streets in violent and often destructive demonstrations.

Productively engaging the youth is particularly important mindful of the fact that Uganda is strongly characterized by largely a youthful population with high potential of accelerating economic growth. It is therefore very important to identify much more skills of the youth in order to develop innovative technologies to address their particular needs. The youth have been recognized by government and its development partners as vibrant contributors in the public and private sector.

Accordingly, policy and legal reforms have been instituted to consistently invest in the youth so as to reap ultimate benefits from them. Since the quantity and quality of population is very paramount in the development of any country, we contend that population is a key factor in the development. Attaining quality youthful population, which already forms the vast majority of Uganda’s population, is therefore essential for the development of the country. Improving the quality of the population through responsive public and private initiatives would reduce youth marginalization, improve their empowerment and, consequently, ease their identity and survival struggles.
Empowering the youth requires government and all other stakeholders to promote and strengthen institutions of democratic governance; address social and material poverty; correct problems of inequitable political representation and embrace reforms that enhance youth participation; establish long-term initiatives intended to empower youth’s productivity through skilling and tooling; setting up of environment for enabling the youthful population to create wealth, hence maximizing demographic dividends; and, promotion of inclusive narratives and socialization mechanisms for multiple identity. As Uganda aspires to emerge as a strong middle-income economy in coming decades, efforts aimed at empowering the youth must be strengthened as a necessary factor to the development equation.

The government and other stakeholders should review and fully implement the National Youth Policy. The infrastructure for empowering the youth must be independent and self-sustaining and should insulate the youth from state dependency and exploitation. For the policy and other youth initiatives to be fully implemented and functional, government and other stakeholders should provide adequate funding. Equally important, the education system must be overhauled to instil productive skills that would enable the youth to create, and not merely to seek jobs. All these cannot be achieved without effective leadership. There is therefore need to build effective leadership among the youth across national and sub-national levels. Youth leadership must be conscious and strong enough to resist manipulation by politicians and compromise by donors.

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The Politics of Xenophobia in South Africa: Marginalisation of African Migrants by the State

Catherine Musuva

Introduction

Xenophobia remains one of the negative and widespread features of post-apartheid South Africa. The arrival of international migrants to South Africa from other parts of the continent, particularly those of black African origin, has been met with intense intolerance. This chapter examines the politics of xenophobia in South Africa. It suggests that the presence of African migrants is perceived as a threat to the South African nation and one way of dealing with this threat is through measures by the state to exclude the full participation and integration of migrants in society.

In this regard, it argues that xenophobia in South Africa is about a politics of exclusion. At the state level, marginalisation of migrants is expressed in government policies and practices that seek to restrict access to documentation and, by extension, access to certain services by migrants. These policies and practices create barriers to the realisation of a broad range of rights and legal protections for migrants enshrined in South Africa’s progressive laws. As a result, many migrants who have escaped persecution, conflict and human rights violations in their home countries find themselves vulnerable, insecure and living in fear in South Africa.

The chapter is structured in four main parts. Section two provides an overview of international migration to South Africa. It also outlines popular perceptions of migrants in a country where migration is broadly viewed in negative terms. While these perceptions do translate into negative attitudes towards African migrants, they do not on their own explain xenophobia in the country. Therefore, the chapter proceeds in section three to describe xenophobia in South Africa in terms of its
prevalence, manifestations, perpetrators, targets and causes. Several theories, which are of a multi-disciplinary nature and offer different levels of analysis, are juxtaposed before narrowing in on those explanations that point towards political exclusion. Section four briefly outlines the legal framework governing migration in South Africa. Key provisions in the Constitution and the Refugees Act which grant a range of rights and legal protections to asylum seekers and refugees are highlighted. Section five of the chapter examines some exclusion techniques employed by the state through its officials who interact with migrants on a day-to-day basis. It focuses on the experiences of asylum seekers, refugees and undocumented migrants in the process of acquiring residence permits from the Department of Home which affects their access to other services. This section is informed by empirical qualitative research and shows that migrants are marginalised by the state through its exclusionary practices which mark them as not belonging to the South African polity.

Overview of International Migration in South Africa

International Migration in Post-apartheid South Africa

South Africa has a long history of international migration and it is a country that was built through migration. However, the creation of a new, democratic, non-racial South Africa in 1994 opened up the country to new migration patterns while retaining some aspects of its long history of cross-border movement. It is not known precisely how many foreign migrants reside in South Africa as no official statistics exist. International migration is difficult to measure because of its transient nature, the existence of undocumented migrants and the fact that it is associated with “highly politicised issues surrounding nation building, citizenship and belonging”. In 2009, the total number of migrants was

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estimated to range between 1.2 million and 1.7 million or less than 4 per cent of the total population by the African Centre for Migration and Society.\textsuperscript{2} The majority of international migrants originate from within the African continent and reside predominantly in metropolitan areas. The United Nations estimates that 72\% of international migrants to South Africa in 2008 came from African countries.\textsuperscript{3} In 2013, Statistics South Africa estimated that the African migrant population between 2006 and 2010 stood at 974,000 and projected it would rise to 998,000 between 2010 and 2015.\textsuperscript{4}

Africans from all parts of the continent reside in South Africa, which has a population of 52.98 million people.\textsuperscript{5} However, as in the past, most migrants originate from Southern Africa. They are engaged in a range of activities while in South Africa. Given the country’s history of migrant labour, the majority of low-skilled migrants from the region today still work in the mining, agricultural and construction sectors which are the backbone of South Africa’s economy. In post-apartheid South Africa, migrants are also concentrated in the hospitality industry, cross-border trade, domestic work and informal trading. Several migrants are also found in professions in which South Africa faces a shortage of skills such as in the fields of health, education and engineering while a substantial number are pursuing higher education in the country’s tertiary institutions.

While many migrants are pushed out of their countries involuntarily, many also depart out of their own will. They are compelled to leave their countries of origin for South Africa by unfavourable conditions in their home countries. The motives for immigrating to South Africa vary and the term ‘mixed migration’ has been used to describe the heterogeneous

\textsuperscript{2} Ibid. p. 220
\textsuperscript{5} Ibid. p. 3
migration streams from Africa and the complex migration dynamics. According to Van Hear, the notion of mixed migration has gradually gained recognition as “people may move to escape life or death circumstances, they may move to escape intolerable living conditions, they may move to better themselves, or they move for these and other reasons”.

Migrants are also attracted to South Africa due to its stable democracy, strong economic position in the continent and quality of tertiary education. In addition, the country’s liberal approach to asylum seekers makes it an attractive destination for those seeking protection. This is because asylum seekers enjoy freedom of movement as South Africa does not have an encampment policy. This means that asylum seekers are not confined to refugee camps as is the case in many African countries. They also enjoy wide protections under the Constitution and Refugees Act, which include the right to work, study, primary healthcare and basic education. However, as will be shown later from the experiences of asylum seekers and refugees living in Cape Town, while these rights and protections exist on paper they are not always realised in practice.

South Africans’ Perceptions of Migrants

Migration in itself is said to be neither positive nor negative. Indeed, it is the inability of government institutions to respond adequately to human mobility that produces so-called negative effects. Foreign migrants are viewed as “potential contaminators of the physical and metaphysical metaphorical body of the nation”. In South Africa, the presence of African migrants is widely viewed in negative terms. The popular discourse on migration revolves around four popular perceptions and claims.

7  Landau et al., ‘The mobile nation’, p. 219
The first perception is that South Africa is being flooded with foreign migrants. This is often presented as a new and seemingly overwhelming problem for the post-apartheid state that has created a sense of fear, helplessness and desperation. This is reflected by state responses which have centred on overstating the scale of international migration to suggest an overwhelming problem for the country that threatens the country’s development agenda.

The second perception is that international migrants pose serious challenges to the country’s social services thereby threatening citizens’ livelihoods and socio-economic rights. McConnell states there is a common perception that every job occupied by a foreigner is one less job for a South African. A third claim is that ‘illegal immigrants’ are responsible for the high crime in South Africa. There is a tendency to conflate all the different types of migrants into the category of ‘illegal migrants’. Lastly, it is commonly believed that African migrants in South Africa are poverty stricken, desperate people who intend to settle in South Africa permanently, as immigrants. They are seen as takers rather than givers.

While counter arguments can be made against each of these perceptions, due to the fact that they are not grounded in evidence, it is not the intent of this chapter to delve into these arguments. For purposes of

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13 B. Harris, A foreign experience: Violence, crime and xenophobia during South Africa’s transition, (Johannesburg, Centre for the Study of Violence and Reconciliation, 2001), p. 128
this chapter, the aim is to highlight that these perceptions, which are perpetuated by policy makers, state officials, journalists and researchers, depict migrants as a threat to the socio-economic wellbeing of citizens. Consequently, much of the public discourse and scholarly literature tend to view migration as an undesirable and involuntary process and migrants as unwanted, troublesome and illegal. Migration is framed “as a phenomenon to be prevented, slowed or stopped”.14

This negative view of migration is exacerbated by the 'refugee crises' in Africa whereby because of conflicts bad governance in the continent, the arrival of forced and vulnerable migrants into South Africa overshadows that of voluntary migrants. Indeed, the majority of South Africans feel that international migration impacts unfavourably on the country. While such sentiments are shared by people who are anti-immigration in other countries, what would be considered unique in South Africa is that these negative views are biased towards African migrants.

Xenophobia in South Africa

The increase in international migration into South Africa particularly of Africans has been accompanied by a rise in xenophobia.15 Certainly one would expect that negative perceptions of international migration, such as those highlighted earlier, would be accompanied by negative attitudes towards foreigners. Handmaker and Parsley argue that this is because the migration debate in South Africa has centred on blaming migrants for a host of South Africa’s socio-economic problems.16 Xenophobia takes place within a context of high levels of crime, poverty, inequality and unemployment which South Africa is grappling with.

14 Landau, ‘Myth and rationality’, p. 222
Xenophobia includes “all forms of discriminatory attitudes towards non-nationals, whatever their source or rationality”. It also includes all forms of discriminatory behaviour, discourse, hostility and violence towards foreigners by individuals or state institutions. In addition, xenophobia results in social and political exclusion of its targets from the rest of the population. As this expansive definition suggests, xenophobia is manifested in various attitudes and actions.

**Prevalence, Sources, Targets and Causes of Xenophobia**

Studies involving both citizens and migrants demonstrate the longstanding and widespread nature of xenophobia in South Africa. The series of national surveys conducted by the Southern African Migration Project (SAMP) with South Africans reveal a high level of intolerance towards non-citizens regardless of their immigration status in the country. These studies show that “South Africans not only hold negative attitudes towards foreigners but they also have a readily accessible set of stereotypes with which to justify or rationalise their negative attitudes”.

According to Crush, South Africans display distinctive negative reactions to Africans from elsewhere on the continent and show definite preferences for European and North American immigrants. A 2006 SAMP survey shows South Africans as the least open to outsiders compared to citizens of other countries. It also reflects the lack of

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20 Crush, *Immigration, xenophobia and human rights*, p.18

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distinction or recognition of the various categories of migrants. Indeed, most South Africans in the survey believe that most foreigners in South Africa are here illegally and for that reason should be denied basic human rights.\(^\text{22}\)

Negative attitudes toward foreigners as revealed by SAMP are corroborated by data from the Afrobarometer and World Values surveys which also sample South Africans. Data from the Afrobarometer 2008 Round 4 national survey in South Africa indicates that “the majority of South Africans are extremely distrustful of foreigners”.\(^\text{23}\) The 2006 World Values Survey on public attitudes shows that “South Africans generally do not like the presence of foreigners and support policies that make it more difficult for them to settle in their midst”.\(^\text{24}\) However, they are prepared to put up with foreign workers living in the country, even though they do not like them.\(^\text{25}\)

Other studies based on the experiences of African refugees in South Africa, also points to the pervasiveness of xenophobia. Morris shows that African migrants “have experienced significant antagonism and prejudice from the local population, more especially from black South Africans”.\(^\text{26}\) According to Harris, foreigners are the victims of abuse, extortion and human rights violations at the hands of state officials and a general climate of xenophobia renders foreigners vulnerable to exploitation and violence”.\(^\text{27}\) Dodson concludes that as a result of their foreignness, the everyday experiences of African migrants in South Africa are characterised by discrimination, exclusion, exploitation and fear, not only by ordinary citizens but also by the state.\(^\text{28}\)

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\(^{22}\) Ibid. p. 3


\(^{25}\) Ibid. p. 170


\(^{27}\) Harris, *A foreign experience*, p. 9

\(^{28}\) B. Dodson, Locating xenophobia: Debate, discourse and everyday experience in Cape
Xenophobia can be viewed as emanating from three sources - the public, the media and the government. Incidents of physical xenophobic attacks perpetrated by the public have been reported in the media since the mid-1990s. In 2008, South Africa was in the international spotlight following a wave of xenophobic violence, the worst violence witnessed in the country since the end of apartheid. Over a period of two weeks, South African citizens in townships in Johannesburg, Durban and Cape Town turned violent against their foreign neighbours and left 62 dead, hundreds injured, tens of thousands displaced and property destroyed.29

The South African media has been accused of aggravating anti-foreigner sentiments through some of its reportage. McDonald describes the print media’s coverage of immigration issues at the dawn of democracy as xenophobic.30 The media contributes to xenophobia by “reinforcing ideologies, discourses and policies related to cross-border migration and the lives of migrants”.31

The South African government has not only downplayed the seriousness of xenophobia but has also been guilty of fostering it. Misago argues that a culture of impunity in relation to perpetrators of xenophobic violence has been allowed to prevail by the state.32 This is despite the existence of a legal framework guaranteeing international migrants more rights than ever before.33 Mngxitama suggests that the black-led South African state regularly sends out the message that black Africans are undesirables and

33  Landau et al., ‘The mobile nation’, p. 222
singles them out for harassment. Research on institutional xenophobia within government institutions has revealed the xenophobic behaviour of state personnel, particularly immigration officials and the police, and the human rights violations and abuses vulnerable migrants suffer at their hands. Following investigations, the South African Human Rights Commission has found that in many cases immigration-related officials act as a law unto themselves, exercising their power with total disregard of human rights.

Xenophobia in South Africa is not only racialised, it is also Africanised with black African foreigners being disproportionally the targets of xenophobia. It is within this context that some authors such as Matsinhe, Everatt and Mngxitama use the terms ‘negrophobia’ or ‘Afrophobia’ to refer to racialised xenophobia towards black African migrants, which they view as more accurate terms of describing xenophobia in South Africa. Bekker alludes to a hierarchy of belonging of the different races based on a ranking of races and stereotypes of the different racial groups.

Black African foreigners in South Africa are referred to by the derogatory term ‘amakwerekwere’. The term, coined by black South Africans, is loaded with negative connotations and symbolises the sound of the

34  A. Mngxitama, ‘We are not all like that: Race, class and nation after apartheid’, in S. Hassim, T. Kupe and E. Worby (eds.), Go home or die here: Violence, xenophobia and the reinvention of difference in South Africa, (Johannesburg, Wits University Press, 2008), p. 195-196
35  South African Human Rights Commission, Report into the arrest and detention of suspect ed undocumented migrants, (Johannesburg, SAHRC, 1999), p. 4
36  F. B. Nyamnjoh, Insiders and outsiders: Citizenship and xenophobia in contemporary southern Africa, (Dakar, CODESRIA, 2006) p. 49
39  Mngxitama, ‘We are not all like that’, p. 195
unintelligible languages other Africans speak. The Amakwerekwere is regarded as a deep threat to personal and community security, and a danger to the South African nation. Thus the African migrant is constructed as the ‘other’. According to Vale this ‘othering’ is “derived ironically from a sense of superiority and inflated by the celebration of the success of South Africa’s transition, but it simultaneously constructed another underclass around the same conceptual primitives upon which apartheid once rested”. Nyamnjoh underscores how ironic it is that black Africans should be the victims of racial profiling in a new democratic dispensation.

A combination of structural, ideological and enabling factors contributes to xenophobia. Indeed, as Nyamnjoh states, “xenophobia often explains, as much as it is explained by, poverty, underdevelopment, economic disparities, and assumptions of social and cultural superiority”. Seven explanations are briefly considered below.

According to rational choice theory, rivalry between foreign migrants and nationals for scarce resources results in xenophobia. The economy is conceptualised as a finite lump, which assumes that access to resources is a zero-sum game, and this breeds conflict. Xenophobia is justified on the grounds of economic necessity. South Africans perceive foreigners as “competing with them for jobs, housing and other resources to which they themselves feel entitled”. Successful foreigners are perceived to prosper by unrightfully benefitting from national resources that belong to

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41 Nyamnjoh, Insiders and outsiders, p.39
43 Nyamnjoh, Insiders and outsiders, p.39
44 Vale, Migration, xenophobia and security-making, p. 13
45 Nyamnjoh, Insiders and outsiders, p.51

46 Ibid. p. 5
48 Neocosmos, From ‘foreign natives’ to ‘native foreigners’, (2008), p. 82
49 Dodson, Locating xenophobia, p. 5
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South Africans. Relative deprivation theory highlights socio-economic class, power and access to resources as inter-related causal factors. It introduces a psychological level of explanation that may be applied specifically to urban poor South Africans and township xenophobia. The poor develop a sense of relative deprivation and frustration based on the belief that they are getting less than what they are entitled to. Frustration breeds over slow service delivery, especially housing, and corruption of government officials involved in the provision of these services. Xenophobia in this instance is often expressed by the poor and through violence.

The scapegoating hypothesis explains that xenophobia exists because “the foreigner represents a scapegoat, someone to blame for social ills and personal frustrations”. Migrants also become a scapegoat for the shortcomings of government in the delivery of public goods. The isolation hypothesis “situates foreignness at the heart of hostility towards foreigners”. Due to years of isolation from the rest of Africa during the apartheid years and inadequate education of South Africans about the continent, they find it difficult to incorporate foreigners into their frame of reference. Furthermore, the isolation of groups of South Africans from other South Africans due to institutionalised racism and the creation of boundaries of movement has made it difficult for them to tolerate difference. The bio-cultural hypothesis links xenophobia to racism or visible difference. This includes physiognomies, accents,
dress, hairstyles, vaccination marks and inability to speak South African indigenous languages. Racial or ethnic profiling is used as a more ‘effective’ means of determining a person’s nationality and immigration status than the person’s documents or government databases.  

Micro-politics explains the role of local politics and local leaders in fostering xenophobic violence. This occurs against the backdrop of an existing xenophobic climate and a culture of impunity regarding xenophobic violence. Nieftagodien argues that undemocratic or fragmented local politics combined with an exclusive political discourse of belonging which casts ‘outsiders’ as a threat to ‘insiders’ could explain the occurrence of xenophobic violence in some areas and not in others. For Steinberg, struggles for state patronage define the local politics in areas prone to xenophobic violence.

An enabling factor of xenophobia is the denial by government and the impunity that has been allowed to prevail. Lefko-Everett notes that the government has all too often attempted to downplay xenophobia. Crush and Ramachandran have observed that political responses to xenophobia are mostly characterised by silence. The government has denied the existence of xenophobic tendencies which were reported in the Africa Peer Review Mechanism country report on South Africa.

59 This explanation emanates from the 2008 xenophobic eruption, which occurred after leadership changes in the ruling African National Congress party and ahead of local government elections.
62 Steinberg, South Africa’s xenophobic eruption, p. 1
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Africa which highlighted the poor treatment of migrants by South Africans.\textsuperscript{65} Also, only a few perpetrators have been charged and fewer convicted compared to the number of violent episodes of xenophobia which points to impunity and complicit policing.

The range of explanations for xenophobia summarised above not only shows the complexity of xenophobia in South Africa but also suggests that there could be more at play than just xenophobia. Landau argues that xenophobic violence - the most extreme display of xenophobia - can be partly be viewed as “the result of an extended series of actions that has generated a segment of the population that is institutionally and socially excluded from legal protection”.\textsuperscript{66} It is for this reason that it is necessary to highlight explanations that seek to understand xenophobia as a politics of exclusion.

Xenophobia as a Politics of Exclusion

Neocosmos attributes xenophobia in South Africa to a state discourse that is xenophobic. Acknowledging that other explanations of xenophobia may include a grain of truth, he still finds them inadequate as they do not take into account the role of politicians and state institutions in engendering a culture of xenophobia.\textsuperscript{67} He argues that xenophobia must be understood as a political discourse and presents four theses: “xenophobia is a discourse and practice of exclusion from community; this process of exclusion is a political process; xenophobia is concerned with the exclusion from citizenship which denotes a specific political relationship between state and society; and xenophobia is the outcome of a relation between different forms of politics”.\textsuperscript{68}

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\item \textsuperscript{66} L.B. Landau, ‘Attacks on foreigners in South Africa: More than just xenophobia?’, paper delivered at the Security Conference of the Institute for Strategic Studies, University of Pretoria, 26 August 2008, p. 3
\item \textsuperscript{67} M. Neocosmos, \textit{From ‘foreign natives’ to ‘native foreigners’: Explaining xenophobia in post-apartheid South Africa: Citizenship and nationalism, identity and politics}, (Dakar, CODESRIA, 2006), p. 2-3
\item \textsuperscript{68} Ibid. p. 15-18
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According to Neocosmos, xenophobia relates to a “politics of fear’ and consists of three elements: a systemic state discourse on xenophobia; a discourse of state exceptionalism and a conception of citizenship founded on indigeneity”. The first element refers to anti-foreigner statements made by the state, as well as the mistreatment of migrants by state officials. The second element refers to a dominant view held by many South Africans regarding the apparent superiority of their country on the African continent.

They have a feeling of superiority towards other Africans and a belief in the exclusivity of their nation when compared to the rest of continent. The third element speaks to the idea that the nation’s resources should be reserved for natives who are the rightful beneficiaries. Nyamnjoh describes this as a narrowly defined citizenship where only nationals matter. Neocosmos argues that the post-1994 state has failed to construct a nationalism that is rooted in Africa with the ideas of African Renaissance and *Ubuntu* being mere state slogans. He states that blackness in South Africa is only stressed in relation to whites but not in relation to other Africans.

McKinley argues that xenophobia is the corollary of the nationalist discourse of the post-apartheid state. He describes South African nationalism as narrow, chauvinistic and exclusivist. Peberdy states that citizenship is the basic marker of South African identity.

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69 *Ibid.* p. 124
70 *Ibid.* p. 5
72 Nyamnjoh, *Insiders and outsiders*, p. 40
74 *Ibid.* p. 591
76 *Ibid.* p. 3
By delineating who belongs to the nation, the dangerous side of nationalism is exposed as it draws lines between citizens and foreigners. Peberdy adds that South Africans feel threatened by the prospect of other Africans becoming part of the nation and thus deny them their rights and entitlements, which is why other Africans have come to be defined as a ‘threat’ to South Africa.

Without discounting the other explanations of xenophobia which offer multilevel explanations, engaging with the notion of xenophobia as a political process of exclusion of migrants helps to understand the responses of the state towards African migrants in South Africa. In this regard, the experiences of migrants with the state, specifically, the Department of Home Affairs which is in charge of immigration issues are worth examining. However, prior to that, the legal framework regulating migrants in South Africa and within which immigration officials operate is outlined next.

**Legal Framework Governing Migrants**

Three legal categories of migrants are of interest in this chapter; asylum seekers, refugees and undocumented migrants. An asylum seeker refers to a person who is seeking recognition as a refugee in South Africa. A refugee is one who has been granted asylum in terms of the Refugees Act and is in possession of a Section 24 refugee permit. An undocumented migrant or ‘illegal foreigner’ according to South African law, refers to a foreigner who is in the country in contravention of the Immigration Act.

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79 Peberdy, Imagining immigration, p. 29
South Africa’s Immigration Act of 2002 determines under what conditions the state permits or prohibits entry of non-citizens into its borders. The Refugees Act of 1998 provides for the reception of asylum seekers; it regulates applications for and recognition of refugee status; and provides for the rights and obligations of refugees.\textsuperscript{83} It gives effect to the relevant international legal instruments, principles and standards relating to refugees that South Africa is committed to the Constitution of 1996 which contains the Bill of Rights which distinguishes between rights of citizens and non-citizens.

As Albertyn notes, the language of the Constitution extends beyond a narrow notion of citizens to an inclusive society of all who live in South Africa.\textsuperscript{84} The preamble of the Constitution states clearly that the South African people “believe that South Africa belongs to all who live in it, united in our diversity”.\textsuperscript{85} “Everyone’ - interpreted to include those who are not citizens- has a right to equality; dignity; life; freedom and security of the person; privacy; fair labour practices; freedom of religion, belief and opinion; freedom of expression; assembly, demonstration, picket and petition; freedom of association; and freedom of movement and residence. Everyone is also given a range of socio-economic rights, such as housing; healthcare, food, water and social security; and education. Rights to access to information; just administrative action; and access to courts are also to be enjoyed by everyone.

Only two sets of rights in the Bill of Rights are limited to citizens of South Africa. They include political rights (Section 19) and freedom of trade, occupation and profession (Section 22). The former include the right to form or support a political party, vote and stand for public office.

\textsuperscript{83} RSA, \textit{Refugees Act}


In addition to the Constitution, the Refugees Act also extends rights to asylum seekers and refugees. With regard to asylum seekers, Section 27A of the Refugees Act provides for their right to remain in South Africa pending the outcome of their application for asylum; protection from unlawful arrest or detention and the rights contained in the Constitution in so far as those rights refer to an asylum seeker. The Act also provides for non-refoulement, a fundamental tenet of refugee protection, which prevents individuals from being returned to their country of origin or any other country where their life or liberties may be at risk.\(^{86}\)

The Refugees Act entitles refugees to “full legal protection, which includes the rights set out in chapter 2 of the Constitution of the Republic of South Africa, 1996, except those rights that only apply to citizens”.\(^{87}\) In addition, other refugee rights included in Section 27 of the Act are: permanent residence status after five years of continuous residence in South Africa from the date asylum was granted if they are certified to remain a refugee indefinitely; an identity document and a travel document. They also have the right to work and to “the same basic health services and basic primary education which the inhabitants of the Republic receive from time to time”.\(^{88}\) The Refugees Act grants full rights to work to both asylum seekers and refugees.

In sum, the Constitution and Refugees Act guarantee migrants a broad range of human rights and legal protections, a reflection of South Africa’s commitment to democracy and human rights. Worth emphasising is that the legal framework guarantees all the necessary rights that lead to a meaningful existence of migrants and ensure their integration into South African society. It also encourages self-reliance of migrants. As such, South Africa is regarded as having one of the most expansive

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87 RSA, *Refugees Act*
rights in the world for migrants. 89 In spite of this, dire implementation of the law and other practices of Home Affairs officials mean that these rights are not entirely realised by migrants, as I attempt to show next using evidence from empirical research.

Experiences of African Migrants with State Officials in Acquiring Residence Permits

This section is based on the findings of a qualitative research conducted in Cape Town between July and October 2013. Data was collected mainly through semi-structured in-depth interviews with a sample that consisted of migrants and organisations that work with migrants. During the four-month research period, 30 asylum seekers, refugees and undocumented migrants from 12 African countries were interviewed. The respondents were randomly identified through the snow-ball method. In addition, key informant interviews were also conducted with seven organisations that work on migrants’ issues. All interviews were recorded.

Although the research mainly relied on the experiences of African migrants with Home Affairs officials to examine how the state treats African migrants, the researcher also sought to interview a senior official from the Department in order to get the state’s perspective. However, several interview requests to the Head of Immigration Services based in Pretoria went unanswered. Additional efforts to interview the Western Cape Provincial Manager based in Cape Town were unsuccessful.

The Department of Home Affairs, which is the state institution responsible for the implementation of the Immigration and Refugee Acts, is critical in translating migrants’ rights into reality by facilitating their acquisition of legal status or documentation. As a migrant, your life depends on your documentation. Without documentation, you have no legal status in the country. You cannot be legally employed or legally operate a business, you cannot access healthcare and education for you

and your dependants. Without documentation, you are violating the law and risk deportation. Yet the principal issue that asylum seekers, refugees and undocumented migrants struggle with in South Africa is documentation, which extends to challenges in other aspects of their lives.

According to the experiences of African migrants in Cape Town, there are discrepancies between the letter of the law and its implementation, as well other practices of state officials, which result in their marginalisation in society. Migrants report challenges in merely accessing the Refugee Reception Office (RRO) in Cape Town, which is one among others in the country that have been established by Home Affairs to serve asylum seekers and refugees. They also experience difficulties with getting their asylum permits renewed pending finalisation of their claims and in acquiring permanent resident status. They also contend that Home Affairs officials contribute to the presence of undocumented migrants.

It is not guaranteed that migrants will be served on the day they go to the RRO despite spending entire days waiting. It is common for migrants to be turned away and only get served on their second or third visit. Migrants cite long queues, disorganised and lethargic state officials, uncaring security guards and corruption networks as the main barriers to accessing the RRO.

However, there have been sporadic periods of improvement in the running of the RRO where there have been no queues and permits have been issued expeditiously and migrants treated well. These changes seem to have been sparked off by migrant protests which resulted in negative media coverage of the RROs and the intervention of the head office in Pretoria. However, they seem to be short lived and within months things start to slide back again.

According to the Refugees Act, asylum claims should be adjudicated within a period of six months. However, due to major backlogs running into tens of thousands, asylum seekers report waiting for between one year and six years. Asylum seeker permits are issued for anything
between one month and nine months at a time. However, it appears that this is done in an arbitrary manner and asylum seekers do not know each time their permit expires, how long it will be renewed for. Due to the short extensions which are favoured by Home Affairs, this has created crowds at the RRO as people have to regularly return to renew permits which can only be renewed in person. This also means that they have to take extended time off their occupations to do so.

Only very few asylum seekers make the transition to refugee status. Organisations working with migrants in South Africa estimate that close to 80% of applications are rejected annually. While this could be partly due to the existence of fraudulent claims being made by economic migrants, it is mainly due to a flawed asylum system which, according to Amit, is used as a tool for immigration control.90

The few who are recognised as refugees are issued with refugee permits and refugee identity documents. Initially these were valid for two years but then Home Affairs began issuing them for four years. Before extension, Home Affairs reviews the refugee’s status to determine if he/she still deserves to remain a refugee and then issues an extension. Migrants are not informed on what basis Home Affairs decides how long to grant them refugee status as it seems that conditions in their home countries are not always taken into account. Like with asylum permits, it appears that these permits are extended depending on the whims of Home Affairs officials for a period of anything from six months to four years.

Refugees who have held refugee status for five years may apply for permanent residence. However, over 90% of the refugees interviewed had been in South Africa for between five and 13 years and none of them had been granted permanent residence status. The first step in applying for permanent residence for a refugee who has been resident

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for five years or more is to request certification in writing from the Standing Committee on Refugee Affairs. Certification entails assessing whether the refugee is likely to remain a refugee indefinitely. If so, he/she is permitted to submit an application for permanent residence to Home Affairs.

Migrants who applied for certification reported delays in getting feedback from the Standing Committee. Those who had received certification they said that it had taken up to three years. This is in stark contrast to the six months it is purported to take according to Home Affairs policy. Of those who had received certification and applied for permanent residence, none of them had received it and they had been waiting for an average of four years. Not surprisingly, others simply did not see the point of applying because of how long the process takes.

Home Affairs also contributes to the production of undocumented migrants and, by extension, illegality. Undocumented migrants explained that Home Affairs has had a hand in their being illegal through the following ways: delays in processing permit applications; not issuing asylum seeker permits since June 2012 to asylum seekers in the Cape Town RRO; loss of permit holders file meaning the applicant cannot extend his/her status; and revoking of asylum seeker permit without following due process.

Backlogs which result in delays in processing permits not only exist with asylum applications but also for permits under the Immigration Act. One Zimbabwean migrant had applied for a quota or special skills work permit on the basis of his qualifications as a teacher and was still waiting for a response three years later. In the meantime he has been using his application receipt as proof that he applied to get employment in a supermarket as he cannot get a job as a teacher without the correct permit.

The Cape Town RRO was closed in 2012, together with two others in the country, as part of plans by Home Affairs to relocate RROs from major cities to the land borders of South Africa. This was challenged in
court by organisations working with refugees. The court ruled that the closures were unlawful “due to a lack of substantive consultation with the Standing Committee on Refugee Affairs or with affected groups” but the Department has disregarded court orders to reopen the RROs or offer the equivalent services in these cities within three months of the ruling. 91 Following the court case, Home Affairs then opened a temporary office in the city centre to finalise existing claims and deal with renewals of permits. It appealed the court ruling so it is still not accepting new applications. One asylum seeker from Zimbabwe who arrived in the country after these changes explained that she is undocumented as a result of these policy changes.

Loss of files and applications is also common. Home Affairs claims that following the closure of the Cape Town RRO located in Maitland and the subsequent reopening of a temporary office in central Cape Town a number of files were lost. A Malawian migrant went to the RRO to renew her permit in 2012 only to be told that her file had gone missing as a result of the office move and that there was nothing they could do. She was effectively in violation of the Immigration Act as she had overstayed her permit and was considered an illegal foreigner according to the Act. She narrated how this had made it impossible for her to get treatment at the hospital when she broke her finger after being assaulted in a public taxi. Furthermore, she said that she was unable to get a birth certificate for her new-born daughter because she does not hold a valid document.

A Congolese migrant who had been renewing his asylum status for five years while waiting for his case to be heard, went for his routine renewal at the RRO in 2013. To his dismay his permit was withdrawn and he was told that he had 30 days to leave the country. He said that he

had not been interviewed by a Refugee Status Determination Officer, as required by the Act and thus claimed that the official had not followed the procedure for rejecting applications. He decided to take Home Affairs to court.

The situation that Home Affairs has created whereby asylum seekers can be stuck on an asylum seeker permit for six years and refugees who have applied for permanent residence are subjected to years of waiting with a slim chance of getting it has served to keep migrants in a prolonged state of limbo. Additionally, the arbitrary manner in which Home Affairs operates results in inconsistencies and unpredictability. Collectively, this impacts negatively on the ability of migrants to integrate and on their peace of mind.

The migrants’ experiences have shown how stressful and time-consuming the process of becoming and remaining legalised in South Africa is. This is due to bureaucratic indifference, violations of the Refugee Act, plain efforts to frustrate migrants and lack of political will to serve migrants. Indeed, many find it easier to simply avoid the legal framework altogether by purchasing fraudulent documents from corrupt Home Affairs officials or going undocumented.92 One refugee admitted to having paid a Home Affairs official ZAR 1,500 to obtain his refugee status in 2009.

Furthermore, the dire implementation of the Refugees Act makes it difficult for migrants to retain a stable status over time as refugee status and permanent residence remain elusive but for a few. As Landau correctly observes, the majority of foreigners reside in South Africa with few practical legal protections and residency rights.93

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Conclusion

South Africa has become a major destination for migrants from the rest of Africa. Although they are a minority, their presence in the country is mostly perceived in negative terms. This has translated into anti-immigrant sentiment and xenophobia. Black African migrants bear the brunt of xenophobia as a result of a discourse of ‘othering’ which is deeply entrenched and represents the black African migrant as a threat to the South African nation and its resources. Several explanations of xenophobia highlight a combination of structural, ideological and enabling factors as the causes of xenophobia.

This chapter has identified xenophobia as one of the negative aspects of South Africa’s democracy. Indeed, it is difficult to reconcile the discourse, language and exclusion of African migrants in South Africa with the values of a constitutional democracy, diversity and a culture of human rights.

I have suggested that because African migrants have been cast as a threat to the South African nation, the state’s day-to-day response, in particular that of the Department of Home Affairs, is to create barriers to prevent migrants from acquiring documentation. Underlying this is a prevailing fear of South Africa harbouring a permanent immigrant population, which would make certain claims on the state to the detriment of citizens.

There is also recognition that the ability of migrants to integrate into South African society, to be self-reliant, to lead a meaningful life and to enjoy peace of mind are all tied to what legal status or documentation they hold and for how long. By denying migrants secure status and enjoyment of the broad range of rights enshrined in the law, the techniques of exclusion by Home Affairs officials have created a distinction between de jure status and de facto status of migrants in South Africa, the latter being socially and politically excluded from the benefits available to the rest of the population.
This, as has already been argued by other scholars is the result of xenophobia and exposes the dangerous side of nationalism. Thus, I argue that xenophobia in South Africa can also be explained as a politics of exclusion when one analyses how migrants are treated by the South African state.
The Editors

Dr Samuel Kale Ewusi holds a PhD in Peace Studies and International Relations, A Master of Science in International Relations and a Bachelor of law. He is currently the Research Coordinator for the Africa programme of the United Nations Mandated: University for Peace. He also teaches national security policy at the Rwanda Senior Defence Staff College and other courses on peace, conflict, transitional justice, political economy, international relations at National University of Rwanda, Gulu University, Uganda, Addis Ababa University, Ethiopia.

Dr Jean Bosco Butera is the Director of the Africa programme of the United Nations Mandated University for Peace. Before joining UPEACE, he was Vice president for Academic Affairs at the National University of Rwanda with the responsibility of rebuilding the teaching and research capacity of the University after the Genocide in 1994. He holds a PhD from the University of Ghent, Belgium.

The Contributors

Dr Michael Jana holds a PhD in Political Science from the University of the Witwatersrand in South Africa. From 2009 to 2013, he served as a Sessional Lecturer in the Department of Political Studies and in the Development Studies Programme at University of the Witwatersrand, teaching under-graduate and post-graduate courses on State-building, Governance, Democratization and Conflict in Africa; and Development Theories and Strategies. He is also a Lecturer in the Department of Political and Administrative Studies at the University of Malawi, Chancellor College.

Akin Iwilade is a Lecturer in International Relations at Obafemi Awolowo University, Ile-Ife, Nigeria. He is currently ENI Scholar and Doctoral Researcher at the Department of International Development, Queen Elizabeth House, University of Oxford. His research focuses mainly on two loosely
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related areas. The first is on issues relating to the politics of youth and their navigation of uncertain and often violent contexts. The second area is regional security architecture in ECOWAS. He is widely published in these areas and his most recent publications have appeared in *Africa Spectrum, Democracy and Security, Journal of Youth Studies* and *Journal of International Women’s Studies*.

**Dr Benjamin Zyla** is Assistant Professor in the School of International Development and Global Studies at the University of Ottawa. Before coming to the uOttawa, he held a Social Sciences and Humanities Research Council of Canada (SSHRC) Postdoctoral Fellowship, and was a fellow at the Europe Center at Stanford University, the Centre for International Relations at Queen’s University and the Centre for International Policy Studies at the University of Ottawa. For the fall semester 2012 he served visiting professor at the École Normale Supérieure de Lyon and the TRIANGLE research unit. His research interests focuses around issues of global governance, international peace-operations, strategic culture, security-development nexus, Canada and the world, and (European foreign) and security policy in Africa.

**Dr Jude Kagoro**, is a Ugandan scholar currently based at the Institute for Intercultural and International Studies (InIIS), Bremen University, Germany as a Postdoctoral fellow. Jude holds a doctorate degree in sociology obtained at Bayreuth International Graduate School of African Studies (BIGSAS), Bayreuth University, Germany. He also attained a BA in Social Sciences and MA in Peace and Conflict Studies—both at Makerere University Kampala. He is currently researching on forums of interaction between the police and society in Uganda.

**Dr Onyukwu Egwunwu Onyukwu** is a Development Economist and Associate Professor in the Department of Economics, University of Nigeria, Nsukka (UNN). He was formerly the head of the department. He is currently on Sabbatical Leave in the Department of Economics and Development Studies, Federal University, Ndufu-Alike, Ikwo (FUNAI). He is an alumnus of
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the Cambridge University Advanced Programme on Rethinking Development Economics (CAPORDE). He is an academic with about twenty years of university teaching experience and has contributed several think-pieces to peer-reviewed journals and other publications. He has broad and rich knowledge base necessary for meaningful development policy articulation. His chapter is co-authored with Dr Uzochukwu Amakom who holds a Ph.D in International Economics and Development and was formerly a Visiting Fellow to both the Centre for the Study of African Economies (CSAE), University of Oxford, United Kingdom and the UN-IDEP, Dakar, SENEGAL as well as Dr Chukwuma Agu who also holds a PhD in Economics from the University of Nigeria, Nsukka, and specializes in open economy macroeconomics with interests in monetary and financial economics, cross border flows, systems modeling, regional integration and trade.

Dr Philomena Muiruri holds a doctorate degree in Geography with specialization in urban and regional development. She lectures at the department of geography at the University of Nairobi. Her research interests are in the areas of HIV/AIDs and gender, Peace and Conflict studies, disaster management and protection. She has published several journal articles in the areas mentioned.

Oluyomi Ola-David is a doctoral candidate and member of faculty in the Department of Economics and Development Studies, Covenant University. While her doctoral research investigates the spillover effects from FDI in a developing country context, she retains interests in issues bordering on the economics of innovation, industrial learning and sustainable development. Her current teaching areas are macroeconomics, development economics and entrepreneurship studies. She authored her chapter with Oyebanke Oyelaran-Oyeyinka who is a doctoral candidate focusing on the Political Economy of Development Planning within the Department of Urban Planning at Columbia University. She holds a master degree in City Planning from the Massachusetts Institute of Technology, where she specialized in International Development.
Phineas Bbaala is lecturer and researcher in the Department of Political and Administrative Studies, School of Humanities and Social Sciences at the University of Zambia in Lusaka where he teaches Public Administration. He specialises in Development Administration and Public Finance, and Governance. He is currently a PhD Candidate in Governance at the University of Zambia. He has written and presented several papers on varied Governance topics.

Dr. Oladiran Bello heads the Governance of Africa’s Resources Programme (GARP) at the South African Institute of International Affairs (SAIIA). He specialises on resource governance, development and security. Ola obtained his PhD from Cambridge University and previously worked for the UN, FRIDE and KPMG. The chapter is co-authored with Alex Benkenstein who is a Senior Researcher with SAIIA’s GARP programme. His research focuses on natural resource governance, particularly in the fisheries and mining sectors. Alex has worked as a researcher in consultancies and the non-profit sector. Also co-authoring this chapter is Ross Harvey who is a Senior Researcher with SAIIA’s GARP programme and is also PhD student at the UCT School of Economics.

Justine Ayuk Fonjock is an Assistant Lecturer of Women Studies and the Head of Service for Research at the University of Buea, Cameroon. She holds MSc Degree in Women and Gender Studies and she is currently at the final stage of her PhD research in Gender and Development, University of Buea. Mrs. Ayuk research interests are in the areas of gender, governance and women’s political participation. Her PhD research is on “the effects of household gender relations on women councillors’ participation in the governance of selected council areas in Cameroon”. She recently published an article in the Africa Peace and Conflict Journal (APCJ) and UPEACE Africa Policy Series. Mrs. Ayuk is UPEACEIDRC Doctoral Research Awardee. She co-authored the chapter with Prof Joyce B Endeley – formerly Deputy Vice Chancellor in charge of Teaching, Professionalization and Development of Information Communication Technologies (DVC/TIC) at th University of Buea, cameroon.
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and previously held the positions of Director of Academic Affairs, Vice-Dean of the Faculty of Social and Management Sciences and Pioneer Head of Department of Women and Gender. Prof Endeley is the pioneer Director of the Higher Technical Teachers Training College, Kumba which is part of the University of Buea, Cameroon.

**Dr. John Idriss Lahai** is currently a Honorary Visiting Research Scholar at the School of International Studies, Faculty of Social and Behavioural Sciences, Flinders University, Australia. He is an applied international studies scholar with broad interests in humanitarian action, gender and economic development, Peace and conflict impact assessment; Armed conflict/civil insurgency, with integrated perspectives from anthropology, strategic studies, political economy and human rights. He earned his PhD in Peace, Political and International Studies from the School of International Studies, University of New England, Australia. Dr. Lahai is the author of numerous publications in edited volumes and journals; and he is also editor of two forthcoming edited book volumes.

**Dr. Denis Musinguzi** is a Lecturer in the Department of Good Governance and Peace Studies, and Institute of Ethics and Development Studies, Uganda Martyrs University. He obtained a UPEACE-IDRC PhD fellowship, and has successfully defended his Doctoral thesis on post-war reconstruction in Northern Uganda. Denis holds a Masters degree in Ethics and Public Management (ETPM) and a Post-Graduate Diploma in Education from Makerere University, Uganda. He has profound experience in management and coordination of projects and collaborations. His research and career interests are in the areas of policy and governance, development, human rights and peace processes.

**Catherine Musuva** is a PhD candidate in the Political Science Department at Stellenbosch University, South Africa. She has previous degrees in the fields of International Relations and Development. Catherine has over a decade of international work experience in the areas of development cooperation, social
development, democracy and governance. Her research interests include African politics, global governance and South to South migration.
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