

Democracy in Sub-Saharan Africa: Trends and Transitions

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"Democratic Developments in Sub-Saharan Africa: Moving Forward or
Backwards?"

Akwe Amosu, Senior Policy Analyst
Open Society Institute

1. Introduction
2. Advances towards open societies in Africa
3. Civil society unleashed – a critical development
4. Persistent governance challenges
5. Limitations on U.S. Africa policy
6. How the U.S. can improve its support for progress
7. Challenges for states in transition: the case of Zimbabwe
8. Conclusion

1. Introduction

My name is Akwe Amosu and I am a senior policy analyst at the Washington office of the Open Society Institute. I work across a range of African issues and bring to my job a history of over 20 years as a journalist focused on African affairs, mostly at the BBC World Service but also at allAfrica.com, the Financial Times and West Africa magazine. During my career I have traveled extensively in Africa, living at different times in Nigeria, South Africa and Ethiopia, and reporting on and interviewing key individuals and newsmakers. My remarks are founded on those years of observation and analysis and draw greatly on the expertise of my Africa-focused colleagues in the Soros Foundation Network.

2. Advances towards open societies in Africa

Africa today is a very different place than it was at the end of the Cold War, a time of military coups, stage-managed and stagnant politics and personality-led regimes propped up for decades without change by outside sponsors. As the world's two superpowers lost interest in controlling African allegiances, a political thaw began, and their local clients lost their power to maintain absolute control over the political terrain.

By the early 90s what has come to be seen as a "wave of democracy" was sweeping the continent, starting in western, francophone Africa with 1991's Benin landmark election and resulted in 26 countries holding presidential elections within the next 3 years. The end of apartheid in South Africa removed the last and most entrenched bastion of repression. By 1994 there was not a single one-party state left in sub-Saharan Africa.

Although political transformation in the 90s proved to be of variable intensity and longevity, often turned out to be new wine in old bottles, the change on the continent has been lasting. The incidence of military coups has dropped so far as to become negligible and there is an indisputable increase in functional democracies. In 1989 only three countries in Africa could claim to have democratic governments. This coming November, 13 African countries are expected to be invited to the Ministerial meeting of the Community of Democracies in Bamako, Mali, and a further six, seen as close to meeting the standard, invited as observers.

As I will discuss below, this is not to say that all is well; much of Africa continues to struggle with major deficits in governance and poverty and the early momentum for change, so evident in the early-mid nineties, has slowed significantly. But we need to recognize what has been achieved as much as we need to identify the barriers to further advance.

An additional critically important development has been the advent of a new generation of intra-continental institutions, above all the African Union, but also the New Partnership for Africa's Development, NEPAD, and its self-assessment program, the African Peer Review Mechanism (APRM); the African Commission on Human and Peoples Rights; the Pan-African Parliament; and the forthcoming African Court, to name only a few. As research and debate have thrust governance issues to the fore, progress has been made in developing normative frameworks for democratic governance at national, sub-regional and continental levels. Africa now has some of the most progressive constitutional provisions in the world. Human rights and electoral standards have been developed at sub-regional and continental levels, most notably with the recent adoption of the African Charter on Democracy, Elections and Governance.

Where the Organization of African Unity was barely more than a club for the "big men" first of African independence and then of cold war politics, with a gentleman's agreement not to interfere in each others affairs, the African Union is a institution whose statutes affirm the importance of substance, of accountability, of human rights, and the obligation to uphold those rights not only at home but in your neighbor's back yard too. Undoubtedly in practice, these aspirational standards are often not met and the development of these institutions is a work in progress; but the challenge is no longer the lack of standards but enforcement.

Interstate and civil war, long seen as a huge brake on African progress, has surged at various periods during the past 15 years, yet the levers for challenging and bringing those conflicts under control are more numerous, the constituencies pressing for peace are vocal and more powerful and their leverage is greater. Specifically we have seen cessation of major violent conflicts in countries such as Mozambique, Angola, Burundi, Sierra Leone, Southern Sudan, Liberia, the DRC and Cote d'Ivoire. The U.S. has played a significant and contributory role in support of conflict resolution, mitigation and prevention during the past 15 years. Thus, even as we lament the suffering and demand a just peace in Darfur, the DRC or northern Uganda, we may also agree that levels of

African mobilization, diplomatic effort and engagement for peace in Africa are unprecedented.

3. Civil society unleashed – a critical development

For the Soros Foundation Network, committed as we are to open societies, perhaps the greatest advance of this period has been the birth and growth of civil society, the non-governmental actors and groupings that we believe are essential to the functioning of a democracy.

Effectively suppressed by censorship and repression during the cold war era, would-be activists for women's rights and a host of other issues, professionals seeking to raise their standards, lawyers seeking to test and improve their country's jurisprudence, citizens demanding information about government expenditure have all come out into the sun and continue to expand their engagement, commitment and skills to hold politicians and rulers to account. Their emergence has had a galvanizing effect on wider society.

The importance of this development cannot be overemphasized because despite the positive political developments listed above, there is a very long way still to go. The continent continues to be the site of gross injustice, poverty, sectarianism and graft. Alarming, as globalization advances some of the gravest problems seem to entrench and become worse. In particular, countries that are endowed – many would say cursed – with fossil fuels and other high-demand minerals, are demonstrating poor governance of the worst kind. But as we acknowledge this, we also note that one of the most effective, fastest growing civil society networks in Africa today is the Publish What You Pay coalition. Its constituent members across the continent work intensely, daily exchanging information and strategies with each other to get transparency laws passed or gain access to government information, training themselves to interpret budgets and disseminate information about corporate and government malfeasance.

One significant trend has been towards the 'indigenisation' of leadership and staffing in many of the international NGOs that work in Africa. From their old incarnation as foreign-led charities seeking to ameliorate suffering, they are increasingly advocacy organizations, seeking to become smarter and get at the root of problems wherever in the world they may be found, and working collaboratively with local and international partners.

It is important not to romanticize the growth in civil society and to acknowledge that alongside the domestic thrust, international donors' priorities and dollars have played a significant role in driving the sector. Furthermore, donor enthusiasm for funding the non-governmental sector has in some contexts damaged and undermined the state's capacity to deliver services, and has sometimes given unaccountable NGOs too much power in a landscape of weak and under-resourced institutions. That said, the enabling of a cadre of skilled and highly-motivated Africans in multiple sectors to contribute to their countries from outside the official sphere is a huge dividend of the past two decades, shining a light into places and onto issues that are often not in government or indeed donor interest to acknowledge.

4. Persistent Governance Challenges

Some African countries stand out in the strides they have made towards better governance, for example Benin, Botswana, Cape Verde, Ghana, Mali, Mauritius, Senegal and South Africa. Others, such as Mozambique, Madagascar, Kenya, and Liberia are moving in the right direction. But even as we praise the momentum and achievements in these countries, we must acknowledge the huge deficits in others that seem to be going in the opposite direction.

The honeymoon euphoria that accompanied the first “wave of democratization” is now over. In some countries democratic transition has been stalled, in others it has been actively blocked, and in yet others it has produced flawed outcomes. In most instances, the African state is a primary route to resources and rent for ambitious individuals; this is mostly the case because the institutions that theoretically protect a state from being captured in this way prove unable to do their jobs. Institutions of democratic governance such as legislatures, political parties and civil society formations are usually subordinate to an over-bearing and predatory executive, with a negative impact on policymaking and implementation.

More than half Africa’s countries remain highly autocratic, despite sometimes distracting attention with the fig-leaf of elections and other democracy-associated exercises. Nowhere is this more evident than in countries with mineral wealth. They are strengthened in their political choices by huge incomes, and assiduous courting by foreign governments – whether from the West or East – that wish to gain access to their oil. Oil-rich countries make up nearly half the continent’s authoritarian or autocratic governments - including Angola, Chad, Republic of the Congo (ROC), Democratic Republic of the Congo (DRC), Equatorial Guinea (EG), Gabon, Guinea, Libya, Tunisia and Sudan.

These countries present a predictable mix of contrasting statistics. On the one hand they display “growth rates” far higher than those of non-producers of petroleum, sometimes of the order of 20 or 30%. Equatorial Guinea, one of the most deplorably underdeveloped countries anywhere on the planet can nonetheless claim to have the second highest per capita income in the world (\$26,000), after Luxembourg. On the other hand, such riches benefit no-one except a tiny elite at the top of the political food chain. Over half Equatorial Guinea’s 520,000 people have no access to safe drinking water and three-quarters live on less than \$2 a day, despite annual oil revenues of over \$2.7bn per year.

Also typical is a variable degree of political oppression and lack of security for citizens. At the extreme end of the scale, Equatorial Guinea, for example is ranked by Freedom House alongside countries such as Uzbekistan, Haiti and Zimbabwe and boasts an extensive and documented record of human rights abuses. Arbitrary detention, torture, execution and stifling of political comment or debate are the order of the day. EG was, in June 2007, added to the U.S. human trafficking black list as a “tier 3” country for failing to do enough to prevent mainly women and children being captured and used as slave

labor or in forced prostitution. Other oil-producing countries present a less extreme picture, but demonstrate major political and human rights deficits nonetheless. In most of these locations it is hard to find major advances in democratic development.

Of all the countries on the continent, oil producer Nigeria's commitment to a democratic path is the most critical. For better or for worse, it is seen as a leader. Eight years under President Olusegun Obasanjo began with great hope for reform but ended in profound disappointment and anger. Some reforms were important and of lasting value, particularly in the financial sector, including a vigorous anti-corruption agency which is nonetheless tarnished by clear partisan bias against the former president's enemies. For the most part, however, there has been little change. Obscene poverty has continued despite soaring oil and unprecedented oil receipts (\$223bn during Obasanjo's tenure – some two and a half times the receipts of the preceding eight years, according to Nigeria analyst Professor Jean Herskovits); the professional middle class battles to survive as their sectors are starved of investment or support and infrastructure continues to deteriorate. Major cities limp along without adequate power supply as the country struggles to meet even a fraction of the demand for refined fuel products, leading to constant shortages; agriculture which should be the backbone of the economy is largely neglected and there is negligible support for indigenous industry – resulting in large-scale closures (1,800 since 1999 according to the Manufacturers Association of Nigeria) as cheap imports deliver a final knock-out punch.

The Obasanjo government, like its predecessors, failed to share the benefits of the enclave economy, while allowing politicians to steal mind-boggling volumes of cash. At the end of the Obasanjo era 31 of the 36 state governors had been investigated for corruption by the Economic and Financial Crimes Commission and now that the official immunity is ended, charges are beginning to be laid. The EFCC has been widely quoted as saying that \$400bn in state revenues has been wasted or lost to corruption in the 47 years since Independence.

A review of Nigeria's much criticized 2007 poll, the pre-election period and the voting exercise itself brings into relief the venality afflicting parts of the political class, the strong impulse in the incumbent party towards one-party rule and the capacity deficits – or malfeasance – of some government officials. The course of the election and nature of its failure is extensively documented elsewhere and will be dealt with by another witness at this hearing so I will not go into further detail. However, it is worth noting, in line with the points made about the importance of civil society above, that the numerous non-governmental organizations engaged in trying to monitor and strengthen the political transition process played a vital role in exposing malpractice and defining the standard.

The Alliance for Credible Elections, ACE, a coalition of nearly 20 organizations focused on religion, gender rights, human rights, legal issues and other sectors, articulated the problems besetting Nigeria's political system, ensuring that the leading voice of the critique is domestic and pre-empting the standard defense used by African governments that they are the victim of foreign prejudice and imperialist designs. Further, some of the most impressive individuals who ran for office have a long history of working in civil

society structures, including activism and leadership against military dictatorship. Without their participation and commitment, there would be greater doubt about Nigeria's chances of eventual progress towards true democracy.

5. Limitations on U.S. Africa policy

With the strong message from the start of the Bush Administration that the U.S. would seek to strengthen and promote democracy, it might be expected that the African human rights and democracy advocates would win strong support from Washington. Indeed, U.S. policy is in many ways excellent: as stated by the State Department's Bureau of Democracy, Human Rights and Labor (DRL), the intention is to strengthen and where necessary, defend good governance and associated transparent and accountable institutions under the rule of law, free and fair election processes and robust civil society and independent media. The introduction this year of a Human Rights Defenders Fund and ten guidelines in support of NGOs were valuable additions to the policy framework and toolset.

In some key locations and instances, the U.S. has played a key and positive role in supporting a transition from conflict to peace. The U.S. investment in the peace process in Southern Sudan immediately comes to mind, as does the solid support given to Liberia and to Sierra Leone. There appear to be some challenges, however, in the delivery of stated policy that seem to be rooted in conflicting U.S. interests on two fronts in particular.

The "War on Terror":

The first is the "War on Terror," which impacts relationships in Africa on a number of levels. At one extreme, it can result in serious policy incoherence as one part of the administration pursues an essentially political approach while another adopts a military one, as in Somalia. In another example the administration apparently faces a dilemma as it tries to decide which aspect of its relationship with the Sudanese government should take precedence, that of intelligence collaboration with the Sudanese National Security and Intelligence Service, or pressing Khartoum to end the Darfur conflict.

Countries that have made a point of overtly aligning themselves with U.S. narratives and policies regarding terrorism appear to have benefited not only from financial and military support but seem successfully to have diverted attention away from their internal poor governance and human rights abuse, or, at least, have managed to water down complaints. The contrast between heavy international criticism of the Meles government in Ethiopia when over 190 unarmed civilians protesting over contested election outcomes were killed by security forces and the comparatively mild critique from Washington registered widely. Collaboration between the U.S. and Ethiopia during the latter's invasion in December of Somalia is often cited as the other side of the same coin. The conclusion widely drawn is that U.S. commitment to human rights and good governance is pragmatic. The suggestion is that Washington is willing to take a strong stand on human rights where it has little or no interest at risk, as in Zimbabwe for example, but it

will not do so with conviction where it has other pressing goals that call for an emollient approach.

Such tensions are evident in the U.S. relationship with Egypt (which in the African Union is very much viewed as an African country), a U.S. ally in the War on Terror. Egypt's record on democracy and human rights according to DRL is profoundly flawed: the State Department's 2006 Country Reports on Human Rights Practices states that "The government's respect for human rights and the overall human rights situation remained poor," going on to cite "persistent and credible reports of abuse and torture at police stations and prisons, and police violence." The government made "no significant progress" on its own program of political reform; instead a culture of impunity protected security personnel accused of abuse, the judiciary was under pressure from the executive, there are arbitrary and mass arrests, corruption and lack of transparency, to name only some of the complaints." Yet, as reported in the Washington Post on Sunday June 10, in a major speech on democracy, President Bush's avoided mention of such deficits, commenting only that Egypt "has a great distance to still travel." Such a mild remark should have provoked such a furious response from Cairo is its own comment on the level of U.S. critique in the past. African governments that flout human rights norms repeatedly delay elections, use violence and repressive laws against opposition voices and refuse to be held accountable have drawn their own conclusions.

If the "War on Terror" makes Washington sometimes ambivalent about its priorities in relation to African governments, it conversely tends to harden public attitudes. Global perceptions that the U.S. is anti-Islam and hostile to Muslim nations are echoed in Africa. For example, in the recently published Pew Global Attitudes Survey only 32% of Nigerian Muslims, (down from 38% in 2003), have a favorable view of the U.S., compared with 89% of Christians. While the two groups differ in their viewpoints on other issues, nowhere is the gap as wide or polarized as in their attitudes to the U.S. Undoubtedly local tensions between the two communities are revealed in these statistics but such low approval ratings in such a large sector of the population of a country seen as so important to the U.S. should give policymakers pause for thought. Further, in 2003, public support in Nigeria for the War on Terror stood at 60%, a particularly high figure by comparison with other non-Western countries, but apparently boosted by the strongly supportive Christian population. By 2006, support had tumbled to 49%.

Too few surveys of public opinion are carried out in Africa to give a reliable indicator of views across the continent. However if commentary carried in media in dozens of countries gives any indication of public sentiment, U.S. unilateralism, U.S. responsibility for the Iraq war and the perceptions of anti-Muslim bias are widely held.

The oil factor:

A second major area of contradiction lies in U.S. relations with Africa's oil-rich nations. The U.S. government is frank about the importance it assigns to oil supplies, and particularly to the need to diversify towards sources outside the Middle East. The Gulf of Guinea is a critically important alternative source from where the U.S. intends to source

some 25% of its petroleum needs by 2020. That imperative has acquired a sharper edge, in the light of China's intense interest in the same zone for the same reason.

For illustration, we can examine further the case of Equatorial Guinea. This state has long been associated with some of the worst governance abuses in Africa, so notorious that the U.S. had cause in the 1990s to close its embassy there. A Senate enquiry in 2004 into the role of Riggs Bank in providing financial services to EG's ruling Obiang family revealed graft of striking proportions. To confirm that this continued to be the pattern we might note that only this year, news has emerged of the president's son purchasing a Malibu mansion for \$35m; there can be little doubt that the national treasury was the ultimate source of the funds. The State Department's Country Reports on Human Rights Practices complains that the government of President Obiang has both committed and condoned serious abuses, including: "abridgement of citizens' right to change their government; torture, beating, and other physical abuse of prisoners and detainees by security forces; harsh and life-threatening prison conditions; impunity; arbitrary arrest, detention, and incommunicado detention; harassment and deportation of foreign residents; judicial corruption and lack of due process; restrictions on the right to privacy; severe restrictions on freedom of speech and of the press; restrictions on the right of assembly, association, and movement; government corruption; violence and discrimination against women; trafficking in persons; discrimination against ethnic minorities; restrictions on labor rights and child labor; and forced child labor."

Yet despite all this, in the same year that these abuses were recorded, Secretary of State Condoleezza Rice posed for photographers with President Obiang in Washington telling him on April 12, 2006, "You are a good friend and we welcome you." In response he told her: "We have extremely good relations with the United States. Our country has had good relations with the United States for a very long time and my visit here is simply in order to consolidate and also to establish further ties of cooperation with your country." Why should the government of the United States which has so strongly proclaimed its commitment to democracy and human rights, seek to do business with Equatorial Guinea? The obvious answer is oil; but for many, it is difficult to square stated U.S. policy and the pragmatic imperative.

In the case of Nigeria, too, the U.S. appears keen not to alienate that country's rulers. Reviewing the U.S. position on the just-ended two terms of President Olusegun Obasanjo, particularly the clear departures from democratic standards that accelerated towards the end of his term, one is unavoidably led to the conclusion that Washington either pulled its punches or failed to deliver them at all.

Perhaps this might have been excused in the first term. There was an international perception at the time of the 1999 election that deficits in that poll were acceptable if a successful transition away from military rule was accomplished. President Obasanjo benefited from enormous confidence expressed by the U.S. government in that endeavor. But after serious malpractice in the 2003 election, the administration failed to issue any trenchant condemnation despite multiple critical reports from international observers and Nigerian civil society monitors. This year, months before the 2007 vote approached there

was clear evidence of intent to rig the outcome, yet no strong warnings were issued in Washington. At the poll itself, monitors saw an exercise of such manipulation, conducted with such impunity, that they could barely bring themselves to call it an election. Only mild criticism followed from Washington, and come the inauguration of the newly (s)elected President Yar'Adua, Assistant Secretary of state for African affairs Jendayi Frazer traveled to Abuja to attend. Days later, President Yar'Adua flew to Germany as a guest of the G8 before the ink was dry on the falsified returns.

The cynicism in Nigeria about the election outcome was already so deep, not much could have made it worse. There is, of course, acknowledgement of the huge importance to the U.S. of maintaining good relations with its most important ally and oil supplier in the Gulf of Guinea but nothing has been said by Washington that clearly locates the blame for what happened and the U.S.' stated commitment to democracy in Nigeria is seriously undermined. Although the State Department has promised to engage vigorously with the Nigerian government to help it improve its elections in future, the record of the past undermines the credibility of such pledges. The rush to consolidate relations with the new regime represents a lost opportunity that could have been used to get commitment on remedial work and a "to do list" that could have gone some way to restoring confidence. It is not too late for the U.S. government to make a more trenchant critique than it has thus far made of the deficits of recent election in Nigeria and to propose a more thorough-going program of political and electoral reform, both nationally and in the oil-producing Delta, than so far elaborated.

6. How the U.S. can strengthen its approach

So how should the U.S. government respond to democratic reversals and autocratic repression in Africa? The practically-minded will assert the U.S. government has no choice but to be pragmatic. Up to a point this is true but the law of diminishing returns seems to be in force. The more loudly the USG proclaims its commitment to democracy and human rights, the more potential there is for damage if its subsequent actions and alliances contradict the stated policy.

Perhaps, too, it is worth asking whether the U.S. is defining its interests appropriately. It may be understandable that concern to guarantee oil supplies or seize a security opportunity leads the USG to prioritize the short-term advantage and there is doubtless a reasonable chance that some of the advantage gained can be converted to longer term assets. However the trade-offs, as described above, can set back the cause of democracy in these countries and lower U.S. credibility and leverage elsewhere; in the long run, and this may prove to be the more significant loss.

The recommendations below are made with a view to re-establishing credibility and confidence in a consistent message of commitment from the U.S. to building African democracy

At home:

a) Define U.S. interests over the long term

There is strong evidence to suggest there would be greater advantage for the U.S. in taking a long view in its Africa relations. The problem of making African political economies more functional, more efficient and more stable is essentially a challenge of governance. In their book, *The Democracy Advantage*, Morton Halperin, Joseph Siegel and Michael Weinstein demonstrate that democratic or quasi-democratic systems function better across a range of indicators than autocracies and authoritarian governments. The more effective political or service institutions and business and financial systems, and the freer the press, the more balanced and sustained a country's economic growth will be; and the less vulnerable the state will be to hijack by sectional interests who may well be opposed to the U.S. and its goals.

Conversely, systems that allow or indeed rely on wholesale corruption, and opaque administration, ethnic or other exclusion, censorship and restrictions on fundamental freedoms, are inherently unstable systems that may at worst encourage armed rebellion and civil conflict, but at best, hemorrhage funds that are needed for development and generate politicians that have too little connection with, or commitment to, the electorate. Hoping such states will turn into democracies is in vain, whatever rhetoric emanates from their capitals.

These are not articles of faith but demonstrable facts, underpinned by solid data. While many factors need to be in alignment for forward progress to be achieved, the longer a country is on the right track, the less likely it is, the research shows, to slide back. The U.S. and other foreign governments that, in their own interest as much as anyone else's, wish to see African countries develop along the democratic path need to commit to a long term process. Repeated changes of direction according to short term imperatives and shifting alliances will not advance the cause.

b) Adopt policies that will help the U.S. to rebuild political capital and standing in Africa

There is thus an urgent need for Washington to get behind some clear and principled positions in at least some key problem areas in Africa and stick to them. This also implies working more openly through multilateral institutions and frameworks so as to be seen to be upholding those positions, rather than risking the perception that principles are being traded bilaterally behind closed doors for mutual advantage.

The U.S. has suffered a serious loss of political capital in recent years, partly because pro-democracy rhetoric is so often undermined by other perceived imperatives. The gap between what Washington says and what it does has widened, indicating to the least democratically-minded that principles can be bargained away. The related loss of goodwill and convening power is serious, particularly since it comes as new powers such as China and India are rising, offering weak African states alternative alliances.

This need not mean inevitable loss of leverage. The U.S. remains the most powerful nation, and most African states will wish to maintain good relations even on tougher terms than are currently being applied. Only in this way will the U.S. regain the respect

and convening power it used to have; and nowhere is this truer than in relation to the oil-rich states of the continent.

c) Address perceived policy incoherence at home:

Diverse objectives being pursued by a mix of Washington agencies present a contradictory picture in Africa. The most obvious example is that of Somalia where it can be difficult to tell whether the U.S. is trying to stabilize the country or pursue a low-level war.

There is also a need for greater clarity about whether military or civilian objectives are defining U.S. policy in particular settings, and whether the appropriate agency is in the driving seat. Unease about this issue was aired in Senator Lugar's report last December to the Committee on Foreign Relations on "Embassies as Command Posts in the Anti-Terror Campaign." He noted the apparent expansion in the mission of DOD activities in line with increased funding and expanding volumes of foreign assistance delivered by the military; he cited other countries' concern, revealed in SFRC staff research, about a possible militarization of U.S. engagement in their countries thanks to the "War on Terror" and warned that this could be damaging to the United States' interests and reputation. I believe this danger exists in Africa where civil society groups I have spoken with express anxiety about the possibility of a greater U.S. military focus on Africa, particularly given the advent of the Africa Command.

In Africa:

d) Where a crisis of governance is evident, admit it and uphold consistent standards

There is a need for Washington to speak out more firmly on poor practice wherever it is found, and to be more frank even when its allies are under the spotlight. Equatorial Guinea's failure to address its people's poverty and respect their human rights is deplorable. Repression and immiseration in Zimbabwe are similarly deplorable. Yet, to judge from U.S. public utterances in relation to the two countries, EG's transgression pales into insignificance compared with Zimbabwe's. The reality is that the Obiang regime, with its unconvincing election victories, massive diversion of public funds for planes, luxury cars and mansions in fashionable locations, and a horrific record on torture and political repression deserves to be excoriated by Washington yet its president is soothed with flattery while the language used about President Mugabe is exceptionally harsh.

Not only does this undermine U.S. credibility with African observers, but other major oil-producing states such as Angola, Gabon and the Republic of Congo take note of the contrast and gain confidence that their own malpractice will be similarly swept under the carpet. In Nigeria, the pattern of progressively worsening impunity in the three past elections suggests that a failure to make clear critiques and demand genuine improvement effectively encourages worsening practice. If the avoidance of criticism is intended to protect U.S. access to Nigerian oil, the evidence does not seem to suggest it is working; as graft and poor governance inflame protest and rebel violence in the Delta, with the attendant damage to production (down over a fifth in 2006), the opposite effect may result.

e) Incentivise change and commitment towards democratic policies.

USG aid should seek to reinforce and strengthen indigenous efforts to fix problems, rather than impose externally-originated solutions. Where foreign aid is offered as a carrot, or withheld as a stick, the objective should clearly relate to the recipient's own interests rather than Washington's.

In non-emergency contexts, the U.S. should strengthen programs like the Africa Growth and Opportunity Act (AGOA) and the Millennium Challenge Account (MCA) that offer incentives and rewards for those countries that want to free up their economies and political environments. The MCA program should be expanded rather than having to struggle for funds. This kind of assistance rewards success and ensures that countries that do the hard work to improve their systems can see the benefits. In line with the MCA approach, the U.S. could invest in helping to make the AU's peer review mechanism work well, with a view to making it the eventual basis on which eligibility for aid is decided. This is the approach that is taken in the EU strategy for Africa adopted in December 2005 and the European Commission's August 2006 Communication on Governance in the European Consensus on Development. The policy documents propose a shift from 'conditionality' to 'ownership' with regard to governance such that the EU decides to work with countries that seek to implement their own reforms and meet their own high standards rather than those imposed from outside.

In situations where stabilization assistance is appropriate, the U.S. should restrict any conditionality to requiring the recipient's policies to align with good governance principles and approaches. Aid, or denial of aid should not be used as a lever to persuade recipient governments to align or comply with the U.S.' security or other objectives (as with "Article 98" case when U.S. military aid was made conditional on governments agreeing not to extradite U.S. soldiers to the International Criminal Court. Long lasting negative feeling towards the U.S. was generated by this measure, both among those governments that signed and those who declined to do so).

f) Support African regional institutions to play a positive role.

The African Union is an organization with a mandate to advance good governance and political stability and promises that its members will intervene to ensure that not only they but their neighbors comply. The AU and the sub-regional organizations such as ECOWAS, SADC and others are crucial to making progress on governance and development. While they do not always go as far as the U.S. would like, or act with conviction, and while capacity is not as skilled or bold as necessary, much has been and is being achieved. Institutions are taking decisions that break new ground in Africa and particularly help to set standards and norms for democracy and human rights. While the U.S. has done well to appoint an ambassador to the AU it should put increasing effort into supporting and building pan African institutions to play stronger role via-a-vis national entities.

One obvious target is the African Peer Review Mechanism (APRM) in which African governments subject themselves to self-examination by their own teams and by bodies

outside government, across a range of fronts. OSI's African Governance Monitoring and Advocacy Project (AfriMAP), a program that among other things seeks to track the effectiveness of the APRM, has concluded that this program is, despite some setbacks, a serious effort by African leaders to improve governance on the continent and that peer review has not turned out to be the paper exercise that some anticipated. The APRM is seen by African leaders as an indigenous program, not one imposed by the World Bank or other donors. It urgently requires more staff and more engagement from outside donors. Assistance of this nature clearly avoids suspicion of political manipulation.

7. Challenges for states in transition: the case of Zimbabwe

The commentary above has sought to frame a set of opportunities and challenges for overall democratization in Africa. I believe it is similarly important the U.S. adopts broad principles in support of countries exiting from crisis, conflict or a period of regression and entering transitions critical to the implantation of democracy.

The most significant transition currently unfolding is that of the Democratic Republic of the Congo whose transition program is proving long and slow but has registered real progress. Even though the election is over and a newly elected government is in charge, it is critical that the U.S. and all other international partners continue to collaborate in a multilateral framework with the insistence that the Kabila government allows space for the opposition and is serious about restoring security. In this context, making assistance conditional on compliance is reasonable; the huge international investment made to help the DRC get onto a healthy path to development in an open society should not be put at risk because of a reluctance to dictate from outside. Sovereignty is important and must be respected but a country in transition, with institutions that are not robust, often fails to fulfill its responsibilities. Aid should not flow where the new incumbent seems intent on reversing such hard won gains in favour of consolidating his power; international donors should not abandon their multilateral approach and revert to bilateral negotiation since this will doom attempts to apply pressure.

Perhaps the challenge that should most concern policy makers, however, is the crisis in Zimbabwe. Formally, elections are due for March 08' and a mediation effort led by South African President Thabo Mbeki, mandated by the regional body, the Southern African Development Community (SADC) is supposed to persuade President Mugabe and his Zanu-PF party and the opposition in the form of the two factions of the Movement for Democratic Change to agree on the terms of a political contest that puts the country on a new path. However even as the mediation effort continues to apparently little effect, the Mugabe government is attempting to rewrite the political landscape with legislation aimed at expanding the number of parliamentary seats and changing electoral rules. A campaign of arbitrary arrest and torture has been waged against MDC leaders and civil society cadres making it difficult for the party to respond effectively to the mediation process. All this against a backdrop of the economy's accelerating downward spiral, featuring serious food and fuel shortages, which the government addresses by printing more money and launching predatory attacks on the private sector. The speed of deterioration is leading even cautious observers to speculate that the Mugabe regime is unlikely to survive another year.

However and at whatever stage the political economy unravels, those hoping to arrest the crisis are seeking to achieve a number of objectives:

- achieve a smooth departure from power of Robert Mugabe and his replacement with a team and administration motivated to restore order and with the authority and ability to stabilize the political environment. A transfer of authority is widely assumed to be possible through the election scheduled for March 2008 but this imposes a deadline that might not provide sufficient time for a thoroughgoing transition to be achieved.
- negotiation of an agreement with international donors of a financial package that can fund overall economic stabilization, end hyperinflation and restore bank and investor confidence this will allow for service delivery to be restored and get basic consumer goods and fuel back into circulation
- depoliticisation and re-professionalisation of the security forces, the judicial system and parastatals controlling key services in the economy; demobilization of militias and hit squads responsible for terrorizing civilians
- repeal of the repressive laws that make free political association and open contestation impossible; inauguration as soon as practicable of a new constitution providing a level playing field
- attract the return of Zimbabweans, particularly middle-class professionals, who have fled to other parts of Africa and further afield to staff the recovery

President Mugabe's successful playing of the race card throughout his desperate campaign to remain in power has made international engagement more complicated and highly contested. Even neighboring Southern African governments suffering negative impact from the chaos, particularly in being forced to host millions of refugees, are reluctant to be critical for fear they become identified as puppets of "Western imperialists." Unfortunately, the deionization of the UK and U.S. from Harare has found fertile ground in a broader international antagonism towards the U.S. in relation to the war in Iraq and regime change. This in turn must affect U.S. leverage.

So how can the U.S. make an effective contribution to ensuring Zimbabwe's transition back to economic and political stability in a democratic system?

No nation that wishes to speak up in defense of human rights should be intimidated from doing so; in that regard, arguing the UK and U.S., as primary butts of Mugabe's rhetoric, should lie low cannot be right. Zimbabwean civil society organizations have repeatedly made the point that outgoing U.S. ambassador Christopher Dell's leadership and insistence on bearing witness to security forces action has probably saved the lives of some opposition individuals. However Mugabe's use of divisive ideology to confuse discussion on the Zimbabwe crisis calls for a sophisticated strategy that, while it may include some trenchant criticism, also implies work behind the scenes to undermine the racial and sectarian messaging that has effectively extended Mugabe's political life.

The U.S., working with other international donors, supplies food aid and also support and training for civil society groups and opposition voices seeking to improve governance.

The message from groups on the ground is that they wish the latter support to continue, or indeed increase. Civil society organizations have played a major role in guarding the little space for assertion of democratic values that remains in Zimbabwe today. They are now under siege. Capacity has diminished with many young activists leaving the country due to practical considerations of survival.

Even if Washington has been disappointed by the weak progress of the SADC initiative to date, there needs to be recognition that the U.S. has few interests and therefore limited leverage over Zimbabwe and the wider region. For that reason, there are few alternative frameworks through which to work and it is important to keep up diplomatic efforts to engage the SADC governments, African governments elsewhere on the continent and the African Union Commission on the Zimbabwe issue.

One possible scenario is that the mediation effort is pre-empted by economic collapse; in practical terms the government runs out of strategies to extract the resources it needs to maintain the political patronage and repression that is keeping it in power. The closer we come to that situation, the more likely the divisions already evident in the ruling elite will widen. While this carries risks it may also increase the incentive for reform as hitherto loyal individuals bail out.

The U.S. should not respond to demands that it lift sanctions. Even though they are narrowly targeted and do not affect the economy despite the government's claims, they are having an effect on morale, as borne out by the loud denunciations. U.S. advocacy in Europe to hold the line is also valuable.

The alternative scenario is that the mediation proceeds to a conclusion and its outcomes are applied. In that case, the most important contribution the U.S. can make is to work to ensure that those outcomes will genuinely improve the situation, rather than perpetuate the current disfunctionality under a new guise.

One important function for Members of Congress and the European parliament is to monitor the mediation's progress. Civil society groups in Zimbabwe fear that the SADC-convened process will lead to a "quick fix" political solution in which ruling party and opposition politicians may be accommodated but non-governmental voices hoping for more thorough-going constitutional reform will be disappointed.

As the mediation stutters on, there is growing skepticism in the region that an election in March 2008 can produce a legitimate result. This is partly because there must be serious doubt as to the feasibility of mounting a fair electoral contest in so short a time. It is also because the ZANU-PF government continues to push through legislation rewriting the already manipulated constitution to become even more favorable to Mugabe and disenfranchise voters. Any election run under the new rules would be illegitimate. Further, the continuing use of political violence to demoralize and weaken the opposition and breakdown in rule of law provide a context in which a fair election would be impossible.

While it is natural to show respect for the South African-led mediation process, the U.S. can and should express the view conditions do not exist for a legitimate voting exercise in eight months time unless under external supervision, whether regional or international supervision.

There is also scope for the U.S. to lend support to efforts already underway in multilateral settings, working with both governments and civil society organizations in the global south. Engaging countries that cannot be described by African stakeholders as imperialist, yet who believe that Africa should be doing more to end the crisis is one way forward. In one recent example, a Brazilian NGO lobbied members of the Brazilian parliament to take a stand on the issue with the result that ratification of an accord with South Africa was delayed in protest at the lack of progress out of the SADC mediation.

The other major contribution that the U.S. can make at this time is to work intensively to support SADC efforts to construct an economic rescue package backed by international stakeholders. It is important that as wide a group of donors and partners, including countries such as China that have provided support to the government of Zimbabwe, are persuaded to come together; such a plan will provide an incentive to the political class to abandon the present disastrous course and support a return to rule of law. The package will need to be broad and tackle diverse problems such as the loss of confidence and skills in the agricultural sector, revitalizing employment (some 80% of Zimbabweans are without jobs), stabilizing the currency and attracting investment (and discouraging asset stripping). International donors should allow SADC to manage eventual delivery of the package; but it is reasonable to make supply of the funds conditional on the terms and goals of the plan being met.

At OSI and in our African foundations we continue to believe, in common with our civil society partners, that there can be no stable and robust future for Zimbabwe without a new constitution and a thorough overhaul of the country's key institutions and those who manage them. The process and sequencing by which this can be achieved, given the actors involved, remains obscure. Some regional governments and external players may hope to get away with a more superficial transition, but this runs the risk of entrenching injustices and mismanagement that may undermine the recovery and do lasting damage to the people's belief in their nation. We will continue to work for a genuine transformation – not a mere transition – for Zimbabwe.

8. Conclusion

We can take satisfaction in knowing that crisis of the proportions seen in Zimbabwe is relatively rare on the continent today and where it exists is strongly associated with armed conflict, rather than merely poor or repressive governance. Reviewing the past 20 years in Africa it is clear that there has been considerable progress and that there is far better human and institutional capacity in Africa to address challenges than in the past.

Africa faces a chicken and egg problem; the obstacles to greater democracy and human rights lie in the lack of development – and vice versa. This conundrum has spawned much argument about whether forward progress most depends on improving governance

or injecting resources –aid or investment – into the mix. Yet it is precisely the multi-faceted nature of Africa’s problems and the need to achieve forward motion on several fronts simultaneously that constitutes the greatest challenge. If the U.S. government can design its policy with that in mind and recognize the only sure way to secure democracy is to invest in its long term development, U.S. interests in the region will be protected.