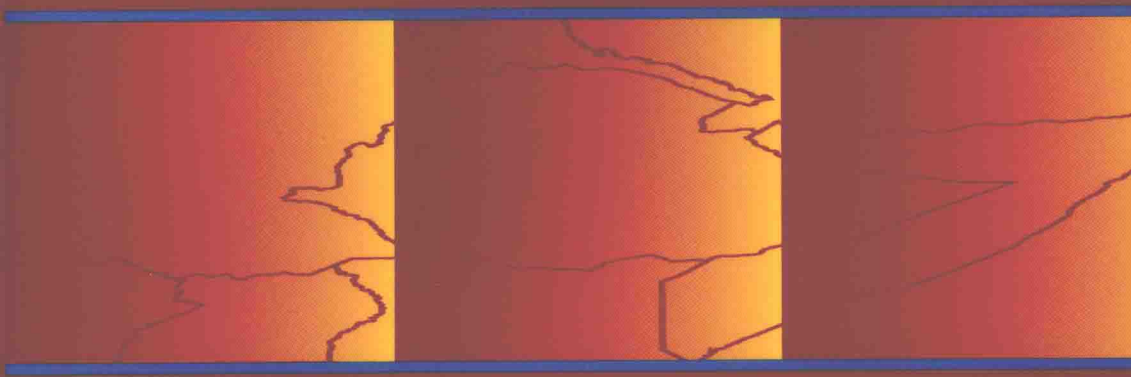
# East Africa and The Horn



## Confronting Challenges to Good Governance

EDITED BY DORINA A. BEKOE

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# EAST AFRICA AND THE HORN

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## Confronting Challenges to Good Governance

edited by
Dorina A. Bekoe


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# Contents

# Foreword

*Terje Rød-Larsen*
*President, International Peace Academy*

It is with great pleasure that the International Peace Academy (IPA) presents this scholarly volume on governance challenges in East Africa and the Horn. The volume is edited by Dorina Bekoe, a former member of IPA's Africa Program and currently program officer in the Research and Studies Department at the US Institute of Peace. She has worked closely with the eight contributors in assessing the important issues of good governance as they affect the member states of the Intergovernmental Authority on Development and the East African Community. The book is the outcome of a joint policy seminar organized by the International Peace Academy in cooperation with Makerere University and the Africa Peace Forum in Entebbe, Uganda, in December 2002. The authors have also incorporated into their chapters reflections on new developments since the seminar took place.

Since its inception in 1992, the International Peace Academy's Africa Program has focused on strengthening African capacities to manage conflict, reduce sources of tension, and prevent violence. Successive directors of the Africa Program—Margaret Vogt, Adekeye Adebajo, and Ruth Iyob—developed extensive networks of African policy experts and practitioners, and contributed significantly to the growing scholarly output on African conflict management. In the 1990s, much of this work focused on supporting the Organization of African Unity in the creation of the Mechanism for Conflict Prevention, Management, and Resolution, which was adopted in Cairo in June 1993, and its accompanying Conflict Management Centre in Addis Ababa. In the years 2000–2003, the program focused on assessments of conflicts in Africa's subregions and sought to strengthen the capacity of Africa's subregional organizations to prevent and more effectively manage the resolution of conflicts. Major policy conferences were held in Botswana (December 2000), Nigeria (September 2001), Uganda (December 2002), and Tanzania (December 2003). The Tanzania conference focused on the dynamics of conflict in the Great Lakes region. In October 2003, the IPA also con-

vened a strategic brainstorming meeting at the request of the secretary-general of the newly instituted African Union (AU) in Addis Ababa, to facilitate the AU's articulation of its vision and framework.

Against this backdrop, the publication of this volume is most timely, given the current international focus on the North-South peace agreement in Sudan, the dispatch of a UN peacekeeping operation to monitor and implement the agreement, and the deployment of African Union peacekeepers to Darfur. These developments constitute a major international and continental undertaking. Yet, prospects for success hinge to a large extent on whether the Sudanese state, provincial governments, and civil society can implement good governance and provide tangible social and economic benefits for their communities in the coming years.

The dynamics in East Africa and the Horn hold valuable lessons for countries, such as Sudan, that are transitioning out of conflict. The book looks closely at the subregion's past and present geostrategic importance, its large displaced populations, and the difficulties in resolving some of Africa's longest-running conflicts. Among other issues the authors address are Kenya's civil society efforts to resolve the problem of internally displaced people; the need for more effective policy to confront small arms and light weapons; the urgent need for improved policy and practice on refugees, especially with regard to long-term solutions; and the tension between federalism and the pursuit of national identity in Ethiopia and Eritrea. The complex legacy of US policy toward democratization and development in the Horn of Africa is given special attention.

It is our hope that this volume, together with earlier volumes from the Botswana and Nigeria conferences, will contribute to a deeper understanding of the challenges facing African governments and civil society in moving forward. The new initiatives of the African Union and the New Partnership for Africa's Development hold out promise for a better future for Africa's citizens. This will require a new and energetic commitment to the principles of good governance discussed in this book. We are profoundly grateful to our donors for their support, particularly the governments of Denmark, Finland, Germany, the Netherlands, and the United Kingdom.

# Acknowledgments

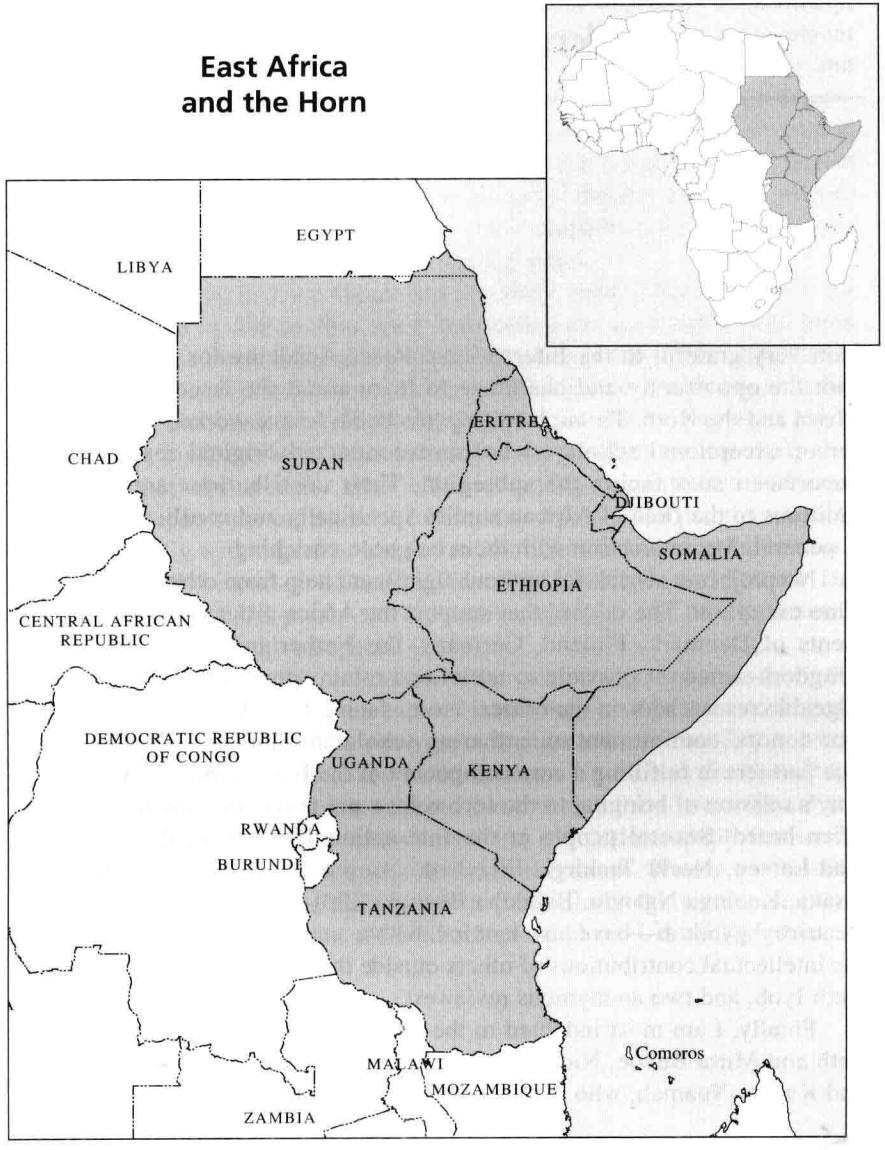
I am very grateful to the International Peace Academy for providing me with the opportunity and challenge to learn about the issues facing East Africa and the Horn. Through editing this book, I have worked with a number of exceptional scholars who have conducted original research into important issues facing the subregion. Their contributions are valuable additions to the field of African studies specifically and conflict resolution in general. My interaction with them has been enriching.

No project is successful without significant help from others. This book is no exception. The donors that support the Africa program—the governments of Denmark, Finland, Germany, the Netherlands, and the United Kingdom—made it possible to travel and retain some of the most knowledgeable researchers on the critical issues facing East Africa and the Horn. Our donors' commitment to furthering scholarship on Africa makes them true partners in fulfilling a core component of the International Peace Academy's mission of bringing to the fore voices and points of view that are not often heard. Several people at the International Peace Academy—Terje Rød-Larsen, Neclâ Tschirgi, Elizabeth Cousens, John Hirsch, Mashood Issaka, Kapinga Ngandu, Batabiha Bushoki, Zelia Herrera, Clara Lee, and Beatrice Agyarkoh—have also lent invaluable support. I have also relied on the intellectual contributions of others outside the IPA—Gilbert Khadiagala, Ruth Iyob, and two anonymous reviewers.

Finally, I am most indebted to the continuing support of my family—Seth and Mirta Bekoe, Nicoletta, Francis, and Isabella Fynn-Thompson—and Kwaku Nuamah, who make all endeavors worthwhile.

*—Dorina A. Bekoe*

## East Africa and the Horn



# 1

# Governance in East Africa and the Horn: Confronting the Challenges

*Dorina A. Bekoe*

Good governance—accepted by most scholars and practitioners as essential to peace, economic growth and development, efficient public administration, strong civil society development, and progressive socioeconomic investment—has been defined fundamentally as the ability of a ruling body to deliver political and economic goods to those under its jurisdiction.[1] More concretely, to policymakers, good governance refers to the ability of governments to administer policies effectively and transparently, honor human rights and the rule of law, and adopt democratic principles.[2] By all accounts, many modern African states, for a variety of endogenous and exogenous reasons, are failing at governance. In other words, governments are not willing or able to make the decisions or adopt the policies necessary to engender economic growth, ensure political stability, improve socioeconomic standings, and foster democratization and respect for human rights.

The willingness and ability of African governments to provide good governance, as the chapters in this book demonstrate, are affected by conflict, political insecurity, weak institutions, and the global political environment. These factors have generated refugees, sped the proliferation of small arms and light weapons (firearms), delayed democratization, suppressed human rights, and pushed the continent further into poverty. These consequences impede good governance: refugees incite fear and discrimination in the host country; the easy availability of weapons exacerbates insecurity; poverty at the state and individual levels precludes investments in socioeconomic improvement; and weak democratization hinders the development of civil society and the attention of governments to the concerns of its citizens. How can governments overcome these obstacles in order to stop the cycle of poor governance and provide economic and political benefits to their citizens? To answer this question, this book looks to the experience of East Africa and the Horn.

As in other regions in Africa, governance in East Africa and the Horn has been hampered by conflict, the repression of human rights to dampen political expression, and the external pressures and incentives of international relations. However, unlike other regions, these states are also caught in the crossfire of a changing international political environment. The attention of the international community has returned to the subregion due to the US war on terrorism—with a renewed attention in general to the indispensability of democracy as a tool against terrorism and a revived interest in ending the conflict in Sudan. In addition, the subregion has been more active than others in curbing the proliferation of weapons—for example, with the Nairobi Declaration[3] and its follow-up efforts[4]—and has a stronger history of progressive refugee policy. As a whole, the subregion highlights the difficulties of democratic transitions, points to the need for improved approaches to address the flow of refugees and weapons in the area; demonstrates the effects of suppressing ethnic groups, and draws attention to the effects of Cold War politics on the pace of democratization and on intraregional relations among states in East Africa and the Horn.[5]

## The Spillover of Bad Governance

Conflict has been the most pronounced and visible evidence of the weakness of the state and a central aspect of Africa's modern history. Since 1948, African states have faced armed opposition ranging from minor intensity to war more than 100 times. Of those conflicts, approximately 25 percent have occurred in East Africa and the Horn.[6] Among their most destabilizing effects, the conflicts have generated large flows of refugees and the proliferation of firearms in the subregion—transporting the effects of bad governance over national borders. As the number of firearms spread across borders, their easy availability highlights weak state administration and human insecurity, whereas flows of displaced people pose unique challenges to governance in refugee-hosting states by bringing to the fore issues of political, social, and economic equity; human rights; and citizenship.

Small arms and light weapons are abundantly available in East Africa and the Horn, finding their way to the hands of private citizens and criminals alike. The number of firearms available in the region is difficult to estimate. Some empirical work places the number of firearms in Africa at 30 million and in Kenya, Tanzania, and Uganda, specifically, between 1.5 million and 3 million.[7] The number of firearms for the other countries in the subregion is difficult to establish, but Kiflemariam Gebrewold and Siobhan Byrne estimate from fieldwork that the subregion as a whole has approximately 3 million firearms. Many of the policies adopted by East Africa and the Horn and countries outside the subregion on controlling and accounting

for small arms focus on the options available to the state—controlling borders, establishing registration methods, and improving collection practices during demobilization and disarmament.[8] By and large, these policies have not stemmed the illicit trade in firearms. The easy availability of small arms and light weapons, Gebrewold and Byrne explain in Chapter 2, accounts for the high crime rates in urban areas and at the borders, where many pastoralists clash with each other over cattle and land.[9] Conflicts between pastoralists have resulted in interstate conflicts among Kenya, Uganda, Ethiopia, and Sudan (the Elemi Triangle), and worsen human and food security—which in turn fuels conflicts.[10] Indeed, a 2003 study estimated that over 160,000 people were displaced in northern Kenya as a result of pastoral conflicts.[11]

Part of the reason for the failure of the current policy instruments, Gebrewold and Byrne argue, is their failure to address the *demand* for firearms in the region. The demand for firearms exists, Gebrewold and Byrne argue, because citizens perceive the need to acquire arms due to the government's inability to protect its citizens, the lack of economic opportunities, and the tradition of a violent and vendetta culture. The resulting proliferation of firearms does not increase security, but rather exacerbates insecurity in urban areas, rural communities, and border towns. Focusing on demand-side factors that aid the spread of firearms is not new.[12] However, Gebrewold and Byrne enrich the extant literature by providing specific examples from the field and from meetings with community-based organizations. In Chapter 2, Gebrewold and Byrne's focus on the demand for small arms and light weapons shows how the weapons have become institutionalized in rural and urban communities. Their findings demonstrate that addressing the issue of firearms requires the alteration of the vested interests that support their availability and removes the community's perceived need for arms.

In addition to small arms and light weapons, the influx of refugees is a direct consequence of conflict and another example of the spillover of bad governance. The challenge that refugees present to host countries lies in changing existing practices of managing the flow and settlement of displaced people and compliance with the 1951 UN Convention Relating to the Status of Refugees, as Zachary Lomo elaborates in Chapter 3. East Africa and the Horn host nearly 1.4 million displaced people—with almost 600,000 in Tanzania, over 230,000 in Kenya, and about 250,000 in Uganda.[13]

Today, refugees are considered problematic and a source of insecurity, but this has not always been the case. For example, in the aftermath of influx of Rwandan refugees to Tanzania from 1959 to 1961, the Tanzanian government's goal was to integrate refugees into Tanzanian economic and social life. To this end, the Julius Nyerere government provided land to the refugees and in the 1980s offered Tanzanian citizenship to Rwandans.[14] Tanzania's actions addressed a fundamental need of refugees: How do they acquire

the tools to begin life again and what rights do they have in the host country? Thus, Tanzania's actions provided refugees with hope and stability. Yet, over the past several years, as the refugee population has grown and Tanzania has faced increasingly difficult economic times and demands on its public funds, its policy toward refugees has not been replicated.[15] Similarly, whereas other countries in Africa have been generally open to receiving refugees, such receptivity has declined.[16] The policy reversals stem from the belief by policymakers and society at large that refugees and internally displaced people (IDPs) pose security risks, drain the public coffers of the host country, and are short-term "problems." As a result, the policies managing displaced people tend to restrict their movements to camps, and few provisions are made to fully integrate refugees into the host country; they are treated and considered as permanent outsiders.[17] A manifestation of these beliefs is the predominance of settlement camps in "managing" the population of displaced people.[18] The change in policies by African states also arises from declining institutional and financial support from international agencies to address the maintenance and environmental effects for large populations of refugees.[19]

In fact, Lomo argues, such negative attributes toward displaced people and their accompanying policies are neither accurate nor productive. While some refugees and IDPs can create insecurity—by threatening the nation's ability to defend itself from internal and external threats and strains on its resources[20]—incur public expenses, and remain in camps for short periods, many refugees and IDPs do not fit this description. Ironically, Lomo demonstrates, because of such exclusionary and state-centric policies that restrict displaced people to settlement camps, displaced people face increased security risks and face higher than necessary hurdles to attain self-sufficiency.

Lomo's timing is propitious. As experts on displaced people are increasingly emphasizing, countries must find more permanent solutions to refugees. More specifically, host states must take a longer-term view of humanitarian crises and employ a more positive view of refugees. The need for more permanent solutions, such as integration, is simple: for many refugees (for example, Congolese, Burundian, and Somali), repatriation is not an immediate option because of persistent instability.[21] As governments in the subregion move forward, they must balance the demands from domestic groups with the need to address the issues facing a significantly large but relatively voiceless group. The status quo simply increases overall insecurity and disrespects human rights.

## The Cost of Democratic Transitions

Most of the states in East Africa and the Horn, like the states in other regions, have failed their citizens in the development of political and civil

liberties. Using Freedom House's assessment of political and civil rights as one measurement, the states in East Africa and the Horn scored an average of 5.8 on political rights and 5.6 on civil rights in 1972 (the first year this survey was conducted). Since the ratings range from 1 to 7, with 7 representing countries with the most restricted rights, the subregion ranked near the bottom. In 2004, the states in East Africa and the Horn averaged 5.3 and 5.1 for political and civil rights, respectively.[22] Hence, in more than thirty years, the political environment for the subregion has improved only slightly. Today, a key policy recommendation for establishing good governance is the assurance of political and civil rights: holding multiparty elections and creating transparency and accountability in government.[23] This makes Jacqueline M. Klopp's observation in Chapter 4, on internally displaced persons that resulted from the democratic transition in Kenya, all the more important; even after the democratic transition, the issues concerning the internally displaced were not addressed.

In Chapter 4, Klopp documents the creation of IDPs in Kenya by the government of Daniel arap Moi, which used violence to discourage the Kikuyu from participating in elections, and the inability of the newly elected, democratically oriented government of Mwai Kibaki to address and remedy the issue. In 2002, after almost a decade of opposition, the National Rainbow Coalition (NaRC), a union of opposition parties, defeated the Kenya African National Union (KANU), the party of former president Moi that had ruled since 1978, and brought President Kibaki to power. However, the long road to democratic reform was costly, as Klopp demonstrates: violence accompanied the transition to democracy—a fact little acknowledged—which caused approximately 350,000 IDPs. The irony in Kenya's situation, Klopp writes, was the restricted ability of human rights organizations, key actors in the push for multiparty democracy, to prevent the displacement, and then under the more democratic regime of NaRC, to help to bring resolution to the issue. Rather than prevent future violence, Klopp shows that because of restrictions by both the government and their own organizational structure, civil society groups were only able to offer relief.

Although today the issue of Kenya's IDPs appears to be gaining attention and has fostered a group of advocacy organizations, the lesson from Kenya goes beyond understanding the internal dynamics of civil society organizations in democratic transitions. As Klopp alludes, the inaction of civil society in Kenya teaches that good governance does not automatically result from democratic reforms—the new regime in Kenya brought no relief to IDPs. In many cases, civil society organizations can be instrumental in filling the gaps created by poor or weak governments. However, to do so effectively, the international community must assist civil society in overcoming their constraints. Importantly, Kenya's transition from Moi's long-term rule holds lessons about the difficulties faced by civil society and potential for violence that even democratic countries experience as long-serving leaders leave

power—particular attention should be given to the political future in Uganda, Guinea, and Zimbabwe.

## Governance in Diverse Communities

The inability and unwillingness to recognize multiple ethnic groups, along with the fear that groups will press for secession, have also resulted in bad governance, manifested by political repression and the outbreak of war. States' responses to managing in multiethnic societies include instituting power-sharing arrangements between competing ethnic groups, civil war, and the radical notion of secession.[24] The fight for secession in the Biafra region of Nigeria resulted in civil war and the defeat of the Biafran insurgents and their secessionist ambitions. In Somalia, the northwest territory of Somaliland broke away in 1994; in Ethiopia, the case addressed by Dominique Jacquin-Berdal and Aida Mengistu, the thirty-year war with Eritrea ended in its secession.

Multiple ethnic groups present a challenge to good governance because, as Jacquin-Berdal and Mengistu show in Chapter 5 on the development of nationalism in Ethiopia and Eritrea, states may seek to consolidate authority by suppressing the representation of particular ethnic groups. To this end, Jacquin-Berdal and Mengistu explore the rationale behind the Ethiopian government's policies of suppressing ethnic groups in the name of developing a national identity and the eventual secession of Eritrea. Chapter 5 also touches on the governance challenges of newly independent Eritrea, which ironically must manage its own pressures from multiple ethnic groups, especially non-Tigrinya. In fact, both Eritrea and Ethiopia have violated human rights and disregarded the rule of law as they rebuild their states following the war for independence and the subsequent border war that took place from 1998 to 2000.[25]

Equally important, the chapter holds particular importance for the implementation of the January 2005 Comprehensive Peace Agreement, signed between the government of Sudan and the Sudan People's Liberation Army (SPLA). As part of the peace agreement, the SPLA has been granted a six-year period by which to decide whether to remain part of Sudan or secede. The choices made by each side in the intervening six years will greatly determine the likelihood and consolidation of peace in Sudan. The international and regional organizations can play a watchdog role over governments facing charges of human rights abuses toward particular groups, advocate for sanctions against such governments, and assume a more active role in planting the seeds for democratization.

From the internal forces of marginalization, this book then shifts its focus to external forces that may marginalize domestic groups and delay