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ECONOMIC AND POLITICAL
FOUNDATIONS OF STATE-MAKING IN
AFRICA: UNDERSTANDING STATE
RECONSTRUCTION

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Economic and Political Foundations of State Making in Africa: Understanding State Reconstruction[1]

Gabi Hesselbein, Frederick Golooba-Mutebi and James Putzel

Introduction

In this paper we examine the processes of state reconstruction in Uganda and Rwanda, and the challenge posed in the Democratic Republic of Congo, in light of the experience of the stable state in Tanzania.[2]

We adopt an institutional and organisational perspective and focus on three dimensions of the state – systems of political organisation, security systems and administration systems, the latter with an accent on state revenue performance. As we consider the evolution of political organisations within the state, we focus on three dimensions: how citizenship is defined (who is considered a member of the polity); access to public office (what are the means that different groups have to influence what happens at the level of the state); and the allocation of property rights (what is the pattern of distribution of rights to the sources of wealth). A central conceptual idea that we employ throughout is the notion of 'institutional multiplicity' – which allows us to examine the multiple 'rule systems' that confront economic and political actors providing distinct and different normative frameworks and incentive structures in which they act. We have found it helpful to conceptualise four competing institutional systems: rule systems adopted by the state (statutory law); the rule systems evolved over time by older communities (customary traditions); the rule systems that communities or groups have devised for survival; and the rule systems hatched by non-state centres of power (warlords, bosses, criminal gangs).[3] In the course of state-building, both historically and in the wake of collapse and war, people often find themselves operating in more than one of these rule systems and at times groups and power brokers rely on one set of rules to gain advantage in systems where other rules reign.

Overall, we argue that a 'state in the making' lies somewhere between two distinct and different systems of political and economic organisation. Those built around small entities – communities, tribes, linguistic groups (or so called 'traditional' forms of organisation) and 'informal' economic activities - and those built around the large entities of national organisation in the political and economic spheres (the modern state and the 'formal economy'), which are necessary to keep a state together and in a condition of relatively peaceful management of conflict. There is a large and controversy-ridden literature on 'formal' and 'informal' economies. For us, the 'formal' economy includes essentially market-related economic activity (whether operational through public or private entities), which takes place within the purview of the state, or public authority. The 'informal' economy includes the wide array of economic activities undertaken outside, or inside and sometimes outside, of market relations (subsistence production, as well as those activities beyond

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[2] In another paper we will discuss the processes of state collapse and the avoidance of collapse in the four countries. The choice of these four countries is related to a larger comparative project at the Crisis States Research Centre.

[3] This is a heuristic and conceptual construction. There are a variety of other rule systems that may well be distinct, like those introduced by foreign development agencies or NGOs.

the purview of the state). In other words, the uncounted, untaxed and unregulated activities of small and large economic actors or what Maliyamkono and Bagachwa refer to as the 'second economy'.[4] The grand task of 'state building' involves the evolution of state-wide (in territorial terms) political organisation and the expansion of a state-wide formal economy. In the course of the paper we explore five propositions relating to processes of state reconstruction, of experiences of war and of state collapse.

First, the shape of reconstruction and the prospects for stability depend fundamentally on the nature of the political coalition in power. Whether or not the new managers of the state, the coalition in power, won a clear victory appears to be absolutely central. This is because state building without a modicum of agreement on the rules of the game is doomed before the process even gets underway. Here it is crucial to ask whether the coalition in power is inclusive enough to ensure a consensus among the most important elites and a general acceptance among the wider population about the rules governing state reconstruction.

Second, maintaining peace requires the consolidation of coercive force within the security systems of the state. Central to achieving security is whether the state can manage to establish one integrated military body capable of enforcing a chain of command and ensuring the loyalty of soldiers under arms. Being able to provide adequate salaries is a pivotal part of this, since unpaid or underpaid soldiers' loyalty will be up for grabs to the highest bidder, or will lead to marauding bands of armed men seeking survival by extracting resources from an already devastated population. Furthermore, there is a need to assess the presence and power of rival armed groups within a state's territory who are not part of the process of military integration but who often figure in the calculations of those who might challenge the reconstruction process. Finally, as in processes of state collapse, the state's military force needs to be institutionalised within a framework of law as a servant to the political organisations at the helm of the state.[5]

Third, the condition of the economy and the prospects for raising revenue are fundamental to state consolidation, just as they have been pivotal to processes of state unravelling. We briefly review the economic conditions under which reconstruction is occurring and discuss in more detail the prospects for establishing the kind of revenue base that any state needs to survive.

Fourth, the organisation of the political system plays a decisive role in determining the prospects for consolidating the state and maintaining peace. Here we examine processes of inclusion or exclusion by analysing the way the political system defines and promotes citizenship, property rights and access to public office. Central to our argument is that democratic forms of organisation appear to be deeply problematic to processes of state reconstruction.

Finally, as in processes of state breakdown, the role of international actors appears to be pivotal. The delivery of financial resources in the form of development assistance can sustain a state through economic crisis, or alternatively remove the pressure for a state to develop internal sources of revenue, thus making future crises more likely. The promotion of elections as the means to secure legitimacy of the state in the reconstruction process may in fact undermine reconstruction if the economic and security conditions are not ripe for such political competition. Political conditionality pressuring for competitive multiparty politics may lead a ruling coalition to adopt repressive policies in order to ensure the suppression of potential opposition organisations before a

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[4] T.L. Maliyamkono, and M.S.L. Bagachwa, *The Second Economy in Tanzania, London*, James Currey, 1990. See also Janet MacGaffey, *The Real Economy of Zaire. The Contribution of Smuggling & other unofficial Activities to national Wealth*. Philadelphia, University of Pennsylvania Press, 1991,

[5] Of course, when military organisations *are* the political organisations at the helm of the state this is not an issue in terms of state consolidation, regardless of normative preferences and scientific hypotheses concerning civilian authority over military organisations.

vote is called. On the other hand, pressure from donors may prevent a regime from invading a neighbour or presiding over the ethnic cleansing of a portion of its population.

The political coalitions that came to power

In Uganda and Rwanda, the course of civil war permitted united political organisations absolute victory and therefore a free hand in reconstituting state organisations and setting the rules by which they operated. They achieved by war what the Tanganikya African National Union (TANU) in Tanzania had long ago achieved at independence through the ballot box – consensus among a critical proportion of elites and at least passive acceptance by their populations over the parameters of state-making.

Of course, while unquestioned victory allows the basis for the implementation of a coherent programme, the inclusiveness of new coalitions in power will in the long run affect their effectiveness, their popular support and their longevity. While Museveni's victory was widely welcomed, the polarised post-genocide terrain of Rwandan society led many supporters of the old regime to fear and flee the new Rwanda Patriotic Front (RPF) controlled state. Nonetheless both the National Resistance Movement (NRM) in Uganda and the RPF in Rwanda went on to assemble relatively inclusive coalitions in power, just as the Chama Cha Mapinduzi (CCM) has maintained over time in Tanzania.

Uganda
In Uganda, Museveni's National Resistance Movement eventually won military victory over the armed forces of the government in power and created a broad-based government both to boost the NRM's relatively limited governmental experience and to co-opt other armed and unarmed competitors for power. In a move that won general approval, the NRM suspended political party activity for an interim, unspecified period, arguing this would allow the wounds of past religio-ethnic and partisan political conflicts to heal.

Museveni has been adept at manoeuvring within the terrain of institutional multiplicity and even turning it to his government's political advantage. Since taking office, the government has encouraged people to coalesce around various institutional arrangements associated with chiefdoms, kingdoms, NGOs and churches. However, these institutions have been subordinated to the rules of the NRM regime and the organisations co-opted by the state. Mirroring colonial techniques, Museveni has for example, allowed the 'revival' of chiefdoms and kingdoms and the creation of others that in reality never existed. This has ostensibly been in order to allow people to practice their culture but has also enabled him to style himself as a cultural liberator, winning him considerable popular support in the process. For example, he supported the creation of a new kingdom of Buruuli in Buganda amidst protest from the Buganda monarchy and celebration from the Baruuli, hitherto an ethnic minority occupying one of Buganda's traditional counties. These organisations provide local political entrepreneurs with avenues for accessing resources from the centre and thus incorporate them into the president's patronage network.

In the case of the Buganda monarchy, which continues to agitate for autonomy, when the President realised that his attempts to intimidate the Kabaka (king) and his advisors into dropping their demands for a federal system of government had failed, he decided to offer autonomy in a diluted form, but one that was nonetheless acceptable to some of the king's subjects whose political support he was able to retain. In a sense, Museveni has mobilised institutional multiplicity in order to build concentric circles of (loose) alliances and patronage networks. His adeptness at exploiting institutional multiplicity helped consolidate the state in the early years. However, the preservation and even creation of new institutional arrangements with the potential to legitimise challenges to the state could well be weakening prospects for stability over time.

Rwanda

In Rwanda in 1994, as in Uganda eight years before, the Rwanda Patriotic Front (RPF) achieved a total victory, which saw the forces of the former regime flee the country. However, it had to establish a new ruling coalition in the wake of the genocide that had unfolded only months before.

The Rwandan Genocide was thoroughly organised[6] while ex-president Habyarimana was still alive, was ideologically well prepared by the "10 commandments of Hutu", and was propagandistically whipped up by Radio Télévision des Milles Collines. The shooting down of the airplane carrying the Rwandan and the Burundian presidents marked the beginning of one of the most brutal and extensive mass killings in recent history, resulting in the slaughter of between 800,000 and 1 million people and flight of another two million as refugees, out of a population of roughly 7 million people.[7]

The RPF subsequently seized power and established a new government incorporating individuals across the Hutu/Tutsi divide in an effort to present itself as an inclusive coalition dedicated to securing peace and reconstructing the state. The new leadership tried to more or less stick to the Arusha agreement the RPF had previously signed with the deposed government, in order to create a government of national unity. Although in numeric terms the cabinet had a majority of Hutu, real power lay with the RPF.[8] Nevertheless, right from the beginning the 'winners'[9] demonstrated a desire for inclusiveness and refrained from portraying themselves as a government of Tutsi victims.

The new government inherited a country where tens of thousands of dead bodies lay in the streets, whatever had been of value had been looted and destroyed, and whoever had survived the genocide had been raped, wounded or was traumatised, and where a cholera epidemic took another 30,000 lives. Years after the genocide, survivors call themselves *Bapfuye Buhagazi*, the 'walking dead'.[10] The nightmares of the genocide were still omnipresent in 2005, when we did our research in Kigali. The new government introduced a number of measures to change the pattern of the political system, but most notably it managed to restrict the fear of possible Tutsi revenge.

While the first post-genocide government made some effort to present itself as a government of national unity with the clear exclusion of the *genocidaires*, considerable fights must have taken place within the ruling elite. There was a rapid succession of Prime Ministers[11] and ministers, with one of the most important incidents being the resignation of President Bizimungu in March 2000 and his replacement by Paul Kagame.

One year later, in contravention of laws governing the transition, Pasteur Bizimungu tried to found a new political party, the 'Party for Democracy and Renewal', which was immediately prohibited.[12] He was later imprisoned and accused of being active in illegal political activities and posing a threat to state security. In June 2004 he was found guilty of inciting violence and associating with criminals and sentenced to 15 years imprisonment.

It is always difficult to tell how far accusations are true and fair and how far they serve as an excuse to get rid of political opponents. Even today high ranking officials are accused and moved out of

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[6] Lists of targeted Tutsi to be killed were prepared for all districts, and weapons were secretly stored until the signal to start the slaughter came through the radio.

[7] G. Prunier. *The Rwanda Crisis: History of a Genocide*. London: Hurst & Company, 1997.

[8] Prunier (1997), p.300

[9] Some authors argue that the aftermath of the genocide and the trauma were of such magnitude that no one felt as "a winner", and all survivors felt defeated. Hildegard Schürings, "Noch keine Versöhnung. Vor 10 Jahren: Völkermord und Verbrechen gegen die Menschlichkeit", in *Zeitschrift Entwicklungspolitik* 7/2004, p.2.

[10] Prunier (1997), p. 358

[11] 1994: Faustin Twagiramungu, 1995: Célestin Rwigma, (MDR – Mouvement Démocratique Republicain); 2000: Bernard Makunza (MDR)).

[12] Before the new constitution was passed in 2003, only pre-1994 parties were admitted to political life, and in April 2003, the MDR, the former Prime Minister's party seen as the of PARMEHUTU, was prohibited.

office, notably on claims of having participated in the genocide. Nevertheless, coming to power on the heels of the genocide, the RPF succeeded in establishing a fairly broad government and one which encouraged considerable restraint both among its own forces and the population as a whole, which was crucial to attempts to get on with the business of state reconstruction.

Congo

In Congo, in sharp contrast with Uganda and Rwanda, the transitional government that came to power in April 2003 through an uneasy peace represented a sort of forced coalition between different parties under the presidency of Joséph Kabila. The Sun City peace accord of December 2002 saw the adoption of an interim constitution and an interim government known as 'the "4+1"solution'. One President, Joseph Kabila, and four vice-presidents, representing the different military factions and 'civil society', officially have as their main objective the pacification and reorganisation of the country and preparations for a constitutional referendum and multiparty elections in 2005/2006.[13]

Within the interim government Ministers and party leaders neither trust each other nor cooperate. "They can hardly be forced to talk to each other", sighed one diplomat.[14] In fact, as we detail below, each major 'political party' (except for one) is little more than a small political wing of a military organisation. The component parties to the transitional government do not represent class interests as do farmers', workers', or business oriented parties.

Up to mid-2005, it was not possible to speak of a coherent 'new coalition' in power. The question of who will control the state of the Democratic Republic of Congo remains an open one. The lack of an outright victor in the civil war has led not only to a fractious interim coalition at the level of the central state, but also to a situation where the fighting and violence are far from over. Fighting continues in Kivu and Ituri and has been revived in Katanga.[15] Neither the newly organized Congolese government forces, such as they are, nor the UN, are so far able to disarm Rwandan Hutu rebels (*interahamwe)* lodged in the eastern Congo. To make things worse, quite a number of *mai-mai* (or *mayi-mayi*) forces have armed themselves against all the other forces with the seeming objective of protecting their communities from all 'alien' influence.[16]

The inclusive character of the coalitions that established themselves in Uganda and to a somewhat but unavoidably lesser extent in Rwanda, mirror the kind of cross-cutting coalition that the Tanzanian African National Union (TANU), and later the Chama Cha Mapinduzi (CCM) – or 'Revolutionary Party' - formed in 1977 and which has presided over Tanzania ever since.[17] This was the first step towards building relative peace, a step that still seems far off in the DRC. The lack of a clear victor in Congo colours every aspect of the potential processes of state reconstruction in the country.

The organisation of security

State reconstruction of any kind is impossible without attention to the establishment, in Weberian terms, of a monopoly over the use of coercive force. There are three issues that emerge clearly in relation to the organisation of the security systems of the state in our case studies. First, a viable state needs an integrated military enforcing a unified chain of command. Second, soldiers' loyalty and discipline can only be secured by motivation through regular pay and adequate welfare. Third,

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[13] *Global and Inclusive Agreement of 16 December 2002*

[14] Interviews ensuring anonymity to respondents were undertaken between 28 May and 12 June 2005.

[15] International Crisis Group, "The Congo's Transition Is Failing: Crisis in the Kivus", Africa Report N°91, 30 March 2005 and International Crisis Group, "Katanga: The Congo's Forgotten Crisis", Africa Report N°103, 9 January 2006.

[16] Interview with officials of UN-OCHA, North Kivu Office, 07.06.05.

[17] On the formation of TANU and the new government see John Iliffe, *A Modern History of Tanganyika*, Cambridge, 1979.and Henry Bienen, *Tanzania. Party Transformation and Economic Development.* Princeton, 1967.

the organisation of security requires the ability of the state's armed forces to eliminate or contain rival armed forces within the state's territory, since such forces will be a resource for all those who would oppose the process of reconstruction. Finally, the military forces of the state need to be institutionalised in a way that guarantees their subservience to the political organisations at the helm of the state.

Uganda

In Uganda, the National Resistance Movement, which came to power in 1986, was a politico-military organisation. Its decisive victory in civil war created the basis for launching the establishment of an integrated military organisation within the new state in a relatively short period of time. In recent years, however, claims have been made that recruitment into sensitive parts of the military, such as the Presidential Guard Brigade, is being undertaken on a tribal basis, with many recruits from Museveni's home village. Any move towards building a military organisation on an exclusionary basis appealing to customary institutional arrangements would strike at the integrity of the security sector as shown by earlier state building efforts in Uganda.

While the core of soldiers who fought alongside Museveni and joined the new armed forces were generally highly motivated and loyal, there are indications of dissent and disillusionment in the armed forces in recent years. While often proclaiming admiration for the President, dissidents who have fled into exile criticise the armed forces' lack of professionalism and point to discrimination in promotions and corrupt practices, arguing that they are destroying morale.[18]

Since it came to power, the NRM government has had to contend with seven different insurgent groups: Uganda People's Democratic Army (UPDA); Holy Spirit Movement (HSM); Force Obote Back Again (FOBA); Allied Democratic Forces (ADF); National Army for the Liberation of Uganda (NALU); Lords Resistance Army (LRA); and the West Nile Bank Front (WNBF). Only the LRA and ADF still exist, the others having been defeated or had their senior members bought off and collapsed. The state has managed to defeat five of these groups because of their narrow bases in religious or ethnic communities. However, the LRA has mounted an enduring campaign of violence profoundly affecting communities in the Northeast, and prevented the central state from controlling the entire territory of Uganda.[19] Nonetheless, its influence elsewhere is limited by its narrow base among the Acholi ethnic group. The ADF's base in the minority Muslim community limited the extent of support it could secure from the general population.

General war fatigue, partly the outcome of Uganda's long history of armed conflict, has also contributed to the quick demise of insurgent groups. Attempts by a renegade military officer, Herbert Itongwa, to start an insurgency in Buganda during the late 1990s failed quickly because people had no stomach for another 'Luweero triangle experience' and also because they saw no reason to fight a government that had 'brought peace' and was at the peak of its popularity. The other tool the government has used to good effect in fighting insurgency has been what some would see as old-fashioned bribery and others as the pursuit of an inclusive strategy in state building. Museveni has lured some groups out of the bush by offers of cash or positions within the state. This was principally the way he dealt with the Uganda People's Democratic Army (UPDA) during the 1980s and 1990s. He used local elders to talk them out of fighting and bring them out of the bush. To this day some of their leaders are still ministers or officials within the state and have become vocal Museveni and NRM supporters. Also, insurgent groups have had no external backing. The only one that has enjoyed lavish external military and financial backing, the Lords Resistance Army, has proved difficult to subdue. Some of its former officers, though, left the bush and were given cash and goods, or integrated into the UPDF.

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[18] Interview with former colonel, 27 December 2002, London.
[19] See Tim Allen, *The International Criminal Court and the Lord's Resistance Army* (London: Zed, 2006).

There remains some danger of new rival armed forces emerging in the future. Museveni, perhaps encouraged by near-complete control over the military and state patronage, increasingly pays little attention to views from the opposition. Opponents, particularly within the NRM and those who have left the party, claim that they are seeking power to right the wrongs Museveni has committed, such as lifting term limits, breeding sectarianism, abetting corruption, and involving the military in politics. The more he rejects dialogue and opts for violence or threats of violence, the more he narrows their options towards responding in kind.

There is a worrying trend of re-politicising the armed forces. Museveni recently won support in parliament for allocating seats to the military in a multi-party parliament on the grounds that the UPDF is a revolutionary army that cannot be divorced from politics. These moves echo what proved to be the bedrock of guaranteeing the loyalty of the armed forces in Tanzania. It is hardly surprising that army MPs supported the lifting of term limits as a show of loyalty to the President.[20] Some army officers view these developments with misgivings, as shown by one army MP's abstention from voting on term limits, citing his reluctance to take sides. Another officer who declared his opposition to lifting terms limits and his intention to vote against, was arrested and locked up (and then quickly replaced) days before the vote.

The Ugandan state was able to achieve, relatively quickly, the establishment of an integrated military and has been successful at containing several rival armed groups. For many years the government was able to provide basic sustenance to its soldiers and retain their loyalty, though there are signs of a malaise in the armed forces. While it has contained warfare in the Northeast, that conflict itself appears to be sinking institutional roots, not unlike the long-term geographically contained challenges to the state in Colombia. While the ruling authorities have promoted a role for the military in parliament, this does not seem to threaten military dominance of politics, but may be a way to retain military subservience, analogous to what Tanzania successfully accomplished over the years.

Rwanda

President Kagame seems intent on creating a military out of the Rwanda Patriotic Army (RPA) that is not linked to the ruling party, the RPF. The dominance of Hutu recruits (said to have amounted to over 60 percent of rank and file soldiers by 2005) and the complete disengagement of the military from politics seem to be pointing in this direction. Unlike Tanzania and Uganda, Rwanda's new Constitution stipulates that its judges, prosecutors, members of the armed forces, the National Security Service and the police "shall not be permitted to be members of political organisations." (Art. 59).

While the government backed by the military force of the RPA was able gradually to install order,[21] the restoration of the monopoly of violence took some time and did not go uncontested. There was the permanent threat from across the border in Congo where the former government army and the *interahamwe* militias reorganised themselves and threatened to overthrow the Kagame regime. But within the country's borders brutal force was also used.[22] Over time, however, a general perception emerged that the government was able to provide security to all Rwandese. Security, in the sense

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[20] One newspaper, quoting a member of the army council, revealed that, when members of the council queried the wisdom of the military having representation in a multi-party parliament, Museveni said it was good, as 'they boost our support'. Museveni's former colleagues (including the former Army Commander) oppose him alongside the traditional opposition. H.Bogere, "Army must be Neutral – Muntu". *The Monitor*, 12.11.2003.

[21] There have been a number of turns and twists to that, the explanation of which would lead too far from our focus. Notably, the role of the UN and of the French "Opération Turquoise" seem to have been obstacles to the re-establishment of basic security.

[22] In 1995 when the camp of Kibeho was destroyed – and mostly women and children were killed. Schürings (2004), p. 5.

that one can walk the streets without fear of being murdered, raped or tortured, seems to be the single most important source of legitimacy for the Kagame government.[23]

Those who were suspected of responsibility for the genocide or participation in it were imprisoned. By 1995, more than 130,000 people were in jails and waiting to have their cases considered. It became clear that the normal judiciary system of a small country could never deal with this enormous number of accused.

Congo
In Congo, the overarching problem for state reconstruction is security. One observer recapitulated what many government officials, business people, traditional chiefs, heads of NGOs or church representatives told us: "The future of Congo is hypothetical if no solution is found for the security problem."

The legacy of two wars has created a complex and confusing situation with several armies and armed groups active within the territory nominally under the authority of the state based in Kinshasa. The Minister of Defence in 2005 was responsible for the formation of an integrated army out of the remains of the former *Force Publique* of the Mobutu era and the armies that came into existence since his overthrow. The UN and several western countries are trying to help with this process. The Minister could only estimate how many soldiers there were, as the phenomenon of 'ghost-soldiers' (soldiers who only exist on the payroll) seems to have been widespread. There was one attempt to conduct a comprehensive registration of soldiers, but after only three weeks it was abandoned. In mid-2005, estimates of the real number of soldiers under arms were roughly 100,000 but on the government payroll there were between 300,000 and 350,000.[24] "This is a complot of generals in order to steal public money, as the soldiers are seldom paid, and even when they are paid they get very little", a UN observer told us. The official payment of a soldier is between 10 and 15 US$ a month.

Besides the official armed forces there is the Presidential Guard, which according to estimates consists of about 18,000 men. Observers dispute whether this army is fully paid, and when it is paid, whether it is from the official budget. Rumours are that Angola pays part of the Presidential Guards' salaries.

Belgium helped to train brigades of the new 'integrated army'. The politically agreed upon aim was the integration of soldiers of different armies (fighting for or against Mobutu, being loyal to one of the political leaders competing for the Presidency this year, local Mai-Mai armies) into a single national Congolese army.

Soldiers were supposed to go through a two-step process: first they would go to a centre of Disarmament, Demobilisation and Reintegration (DDR) under the auspices of the UN-mission MONUC. Once there, they were to be disarmed and to decide whether they would opt out of the army and somehow integrate into civilian life again.[25] Those who opted to remain as soldiers were to be trained for the integrated army, the *brassage*. In practice, this exercise has not worked.

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[23] This at least was the message of all our interviewees in Kigali. There are, of course, voices and rumours, not only in the expatriate Rwandese community, that the government is fighting a tricky fight against Hutu, forcing them into exile, killing or imprisoning them and preparing to defeat them "once and for all". Jean-Paul Rwasamanzi, "Stellungsnahme zum Brief vom 24.4.2002 von Herrn Ruzibukira-Intsinzi". 2002 in:>www.akahera-rhein.de/aktuell< and Henriette Schild, "Nehmt ihn nicht mit, er ist ein Mörder". Beitrag in "*Berliner Zeitung*" vom 27.4.1995, S.3.

[24] Interview, Minister of Defence, 29.05.05. *Programme minimum de partenariat pour la transition et la relance (PMPTR) en République démocratique du Congo*. Document préparé par le Gouvernement de la République Démocratique du Congo avec le soutien de la Banque mondiale, du Programme des Nations Unies pour le Développement (PNUD) et de la Mission de l'Organisation des Nations Unies en République Démocratique du Congo (MONUC). Novembre 2004 (hereafter, Minimum Program), p.217 and IMF information, respectively.

[25] The practical dimension of the question "Into what can former soldiers be re-integrated?" cannot be underestimated. For hundreds of thousands of young men, Congo has very little to offer as an alternative to leading a military life.

"Soldiers walk through the bush for five weeks for disarmament and then they find themselves dying of cholera, because there is no safe water in the DDR-centres",[26] NGO-observers told us. UN officials said that official numbers of disarmed soldiers were well below expectations. Soldiers and their generals mistrusted the DDR-programme, and so conventional wisdom in Congo was that only weak and ill soldiers return their weapons.

Parts of the armies immediately joined the *brassage*, which eliminated the individual choice of soldiers and left them under their former command. Most of our sources stated that only one integrated brigade (3000 soldiers) had been established by mid-2005 and was deployed in Kivu and Ituri. The most optimistic source spoke of four fully integrated brigades, but at the time of writing this seems to have been an elusive goal.

To make things even more complicated, the physical transportation of cash in order to pay soldiers has been a major problem. The extent to which this has been due to a hardly functioning banking system[27] or to government officials and generals – for many understandable reasons – preferring to load the money on trucks and planes is disputed. Nevertheless, one of the consequences is that soldiers of the newly integrated brigades were not receiving their pay and were selling their newly acquired shoes or guns for survival, even turning to 'levying taxes' with their rifles. Meanwhile in the event of violence, it is impossible to predict whether they will be loyal to the national command or to their immediate military superiors who might well back opposing political aims.

In Eastern Congo the situation is still worse: in addition to problems experienced throughout the country, there are the local militias, the Mai-Mai, and the former Rwandese army and *interahamwe*, whose leaders were responsible for the genocide in Rwanda. They continue to recruit soldiers with the objective of overthrowing the Kagame government through military intervention. These armies live at the expense of the local population, which has to feed them, or survive through plundering natural resources. So far the combined effort of 18,000 UN troops (whose official mandate is to protect civilians) and the 'integrated' army has not managed to disarm these troops. According to UN sources, fighting is still ongoing to the extent that vast areas of Ituri and the Kivus remain inaccessible even to armed UN convoys.

In mid-2005 it was disputed whether parts of the official Ugandan and Rwandan armies[28] were still on Congolese territory. On top of this, both the *interahamwe* and the Mai Mai forces employ child soldiers, with some estimates putting them at up to 50 percent of their troops. Mercenaries are employed as well. Private security companies are ubiquitous, and it is matter of preference by those who can afford such company security whether they want them armed or not.

The failure to make significant progress in establishing an integrated military is perhaps the single biggest blockage to future possibilities of state reconstruction. It is extraordinary that more leverage has not been exercised by the international organisations funding the process to pressure the component members of the interim government to engage fully in the process. The lack of a credible integrated force, even if far from incorporating all those who might potentially join, jeopardises every other component of the reconstruction process, not least the plans to hold 'democratic elections'. Equally, establishing new armed forces without paying the soldiers will, as the experience of earlier state collapse illustrated, lead to shifting loyalties and the suffering of civilian communities. Finally, it is absolutely impossible to imagine securing any kind of durable

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[26] The official incentive is to exchange a gun against soap and a blanket and 50 US $.

[27] There is only one bank for every 1.5 million people and every 56,0000 km. OECD, African Economic Outlook: Country Studies: Democratic Republic of Congo, 2005-2006, http://www.oecd.org/dataoecd/13/8/www.oecd.org/dev/publications/africanoutlook

[28] Local public wisdom nicknames them "Soldiers without Borders".

peace in Congo without the disarmament of soldiers of the former Rwandan armed forces and the *interahamwe* and their return to Rwanda.

Tanzania

Tanzania's early experience of reconstructing a military force from scratch after the mutiny in 1964 stands in sharp contrast to the practice in Congo. In a sense, the integration of the new force into TANU created a model that may well have influenced the founders of the NRM in Uganda and the original organisation of the RPF in Rwanda.

But even in Tanzania security worries, related to the lack of capacity by the state's police forces to ensure the safety of people in their everyday lives, remain. The rise and tolerance by the state of *sungusungu* groups to enforce local law and order is an indication of the precariousness of security in the rural areas. These are forces that function according to customary rules, and in an interesting move the state has attempted to incorporate them in statutory law, both to limit excesses and to benefit from their effectiveness. To date, however, the violent conflicts that have occurred are related more to criminal activity or local disputes over land or grazing rights than more general political issues. In urban areas there has been a rapid expansion of private security forces. Tanzania still has only one police station for every 30-40,000 people. While these trends are worrying, by all accounts the police, while lacking in capacity, remain a centrally organised force with a significant degree of discipline.

One of the greatest worries about the security implications of the multiparty era is the fate of the Tanzanian armed forces. The drive toward establishing TANU as a single party was reinforced by the need to ensure that the military would remain subservient to civilian political authority and it worked very effectively over the years. The central question in the era of multiparty politics is whether the military organisations of the state have become institutionalised to the point that they can serve any political masters who occupy state offices. To date, the military has retained, at least on the mainland, fairly healthy relations with civilians.[29]

The military's relation with the CCM is not unlike the armed forces' relationship with GOLKAR (Golongan Karya, the political party that ruled the state) in Indonesia. Most military officers are members of the CCM and, as discussed earlier, the trend of military personnel taking on posts within the government accelerated from the late 1980s. When debates began in the early 1990s about moving to a multiparty system, Julius Nyerere (Tanzania's founding head of state) had argued that the best way to do this was to see a split in the CCM, where the new political formations would be solidly behind the foundational principles of the party and the state.[30] By the mid 2000s, there was no sign that such a split was in the offing. As one informant said, "The CCM sees the health of the CCM as a matter of national security".

Economic conditions and the revenue basis of the state

In the long run the viability of a state will depend on initiating processes of growth and wealth creation. In the aftermath of war and state collapse new managers confront situations where production and distribution systems have broken down. They also face situations where even the relatively small proportion of economic activity once in the formal sector, and thus within the purview of the state, lies well beyond their reach and is governed by alternative institutional rules in the second economy. While Uganda has had almost twenty years of experience in economic

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[29] Interview, Rwekaza S. Mukandala, 23.06.05.
[30] Interview, Rwekaza S. Mukandala, 23.06.05.

reconstruction with some impressive results,[31] economic reconstruction remains embryonic in Rwanda and only a vague idea in Congo. In Rwanda, the economic crisis that underpinned state collapse and genocide had roots in enduring characteristics of population density, frighteningly low levels of productivity and an economic structure where the majority of the population exists somehow within the second economy. There is as little evidence that these basic characteristics have changed as there is of a clear programme for transformation.

It is in this context that new state managers are attempting to reconstruct a revenue basis for the state. The challenges in all our cases, interestingly even in the stable state of Tanzania, are the same: government budgets that are dependent on the inflow of foreign aid; overwhelming reliance on customs revenue; and extremely narrow tax bases domestically.

Economic backdrop of state reconstruction

In order to illustrate the daunting economic dimensions of state reconstruction we briefly discuss the extreme case, the Democratic Republic of Congo. In Congo, the predominant mode of production for about 70 per cent of the population still consists of various forms of subsistence economy, i.e. not producing for a market in the first place, but to cover immediate livelihood needs. People live as hunters and gatherers or small-scale peasants, usually working on land under traditional property rights, governed by the norms and rules so dictated. Agricultural production in these conditions has generally expanded only through extensive methods, that is, the colonisation of new lands, rather than through intensive innovations applying new technology. Population pressure restrains the continuation of this extensive rather than intensive agriculture.

The formal economy encompasses basically plantation agriculture, parts of mining and parts of the service sector. Industry is more or less absent and industrial mining has fallen apart in favour of artisanal mining. The formal economy is supposed to work on the basis of individual property rights, licensing, taxation, payment of customs etc. In one of the most devastating illustrations of the realities of state collapse and war, in Congo in the 1970s about 25 per cent of the population was working in the formal economy, but by mid-2005 the figure was estimated at just 5 per cent.

The fact that an overwhelming proportion of economic activity is taking place outside the purview of the state (subsistence, second economy and war economy) undermines the very existence of the state, and makes the re-establishment of some basic state functions including security, a very difficult task indeed. Although the state is the owner of 54 companies and has shares in 55 other companies, this does not mean that these are sources of revenue. The once most important Congolese company, Gecamines, operates as a shadow of its former self. It is functioning at a level of only 10 per cent of its turnover in previous years. In quite a number of cases, the Minister in charge of state companies (and his administration) has no knowledge of turnovers, numbers of staff members, or the profits or losses of these firms.[32] The government is still in the process of sorting out which state-owned companies only exist on paper.

During the war, state-owned companies, or parts of them, were captured by different provincially based military groups, and operated within a diverse set of legal systems or institutional arrangements. So far, the process of re-centralisation, certification, and regulation of these companies has not been accomplished. Nevertheless, encouraged by the international development community, the declared aim of the interim government was to privatise the parastatals and create the legal framework for private enterprises.

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[31] See J. DiJohn and J. Putzel, "Institutional Change for Growth and Poverty Reduction in Low Income Countries: The Case of Uganda", Paper presented for Conference on When Institutions Are Weak: Strategies For Change, International Monetary Fund, Washington D.C. 6-7 July, 2005.
[32] Interview, Ministre de Portefeuille, 29.5.2005

Under these conditions, constructing the fiscal basis for a new state presents serious dilemmas. Even in the most stable of our case studies, Tanzania, the level of domestic production remains terribly low. In 1981, after the virtual bankruptcy of the state, Tanzanian authorities resisted IMF demands for a standard structural adjustment programme and attempted adjustment on their own. By 1986, the CCM government itself implemented an IMF programme, which amounted to a radical reduction of the state. This was followed by a period of some recovery and eventually the reintroduction of some regulation over the liberalised economy. Between 1992 and 2003, GDP finally began a modest expansion, growing at an annual rate of 4 per cent, though in per capita terms this was still a small average annual increase of 1.3 per cent.[33] Privatisation of parastatals picked up during this period with roughly half of these enterprises landing in foreign hands and half in local hands including Arab business interests.[34] Overall, however, the opening of a single new gold mine, which quickly became the government's major earner of foreign exchange, was crucial to overall positive performance.

Re-establishing the Revenue Basis of the State

A state can do little without the financial means for action. Crucial to the process of state reconstruction is the re-establishment of a revenue basis that is sustainable over time. Putting a state's finances on a sound basis is a momentous challenge that is currently being faced all over the developing world in countries like Tanzania that have not experienced state collapse and war.. The task of constructing the fiscal basis for a state in the wake of outright collapse is daunting. Here we sketch out some of the common trends emerging from our case studies.

In every case, the state remains overwhelmingly dependent on foreign assistance for its survival and the challenge remains to build up a domestic capacity for revenue raising that can eventually reduce aid dependence. Secondly, in every case, revenue is still overwhelmingly derived from customs, today mainly tariffs on imports, a precarious situation given pressures for trade liberalisation. Third, in all the cases the domestic tax base remains extremely narrow and efforts are sensibly focussed on using scarce administrative capacity to collect tax from the biggest potential sources. We deal with each of these in turn.

Looking at Table 1, we can see the extent to which all the countries in our study remain dependent on Official Development Assistance (ODA). The table shows GDP per capita as compared to per capita levels of foreign aid. In the latest year, 2003, aid to Uganda, Tanzania and Rwanda stood at between 15 and 18 per cent of per capita income, but as high as 100 per cent for the Congo, with the huge aid inflow after the peace agreement. There is a heavy dependence on aid in all these economies. Looking over a longer period, Rwanda and Tanzania received roughly twice the level of per capita ODA as Congo and Uganda during the 1980s, whereas during the 1990s aid trickled to a standstill in Congo (annual average of US\$ 5.9 per capita).[35] These amounts of aid pale before the levels of government expenditure in these countries. For instance in Uganda, between 1987 and 2003, ODA amounted to 65.4 per cent of central government expenditure.[36] Tax officials in Congo reported that ODA in the form of grants and loans represents 55 per cent of government expenditure.

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[33] Data from *World Development Indicators* On-Line, 2005.
[34] Interview, Max Mmuya, 22.06.05.
[35] UNCTAD, *Least Developing Countries Report 2002*,. "ODA Per Capita in Constant US Dollars".
[36] DiJohn and Putzel, 2005, p.10.

Table 1: Per Capita Income and Per Capita Aid (in current US dollars)

	1999 PCI	1999 Aid	2000 PCI	2000 Aid	2001 PCI	2001 Aid	2002 PCI	2002 Aid	2003 PCI	2003 Aid
Congo, Dem. Rep.	100	2.74	90	3.78	80	5.25	90	22.67	100	101.23
Rwanda	270	49.81	260	41.77	240	37.63	230	43.49	220	39.49
Tanzania	250	30.07	270	30.33	270	36.9	280	35.04	300	46.51
Uganda	290	26.15	270	35.24	250	33.16	240	25.94	250	37.95

Source: World Development Indicators, Economic and Social Data Services, April 2005

After the genocide in Rwanda, economic recovery occurred very slowly and depended basically on the return of refugees and former exiles. The extremely low level of productivity and the infinitesimal cash crop and industrial sector were clear indications that economic recovery would be very slow, or at least not able to improve the situation quickly. The international community played an important role in terms of capital accumulation and government spending. By the year 2000, 48 per cent of government revenue camenot from internal sources but from foreign grants.[37] But aid per capita has been declining since then. On average, from 1990 to 2000, Rwanda received US$64.90 per capita each year.[38]

In all four countries the lion's share of revenue collected by the state is derived from customs duties, mainly tariffs on imports. Roughly 30 per cent of Rwanda's revenue comes from customs, according to government tax officials. In Tanzania, by 2004, customs still accounted for between 55 and 60 per cent of all revenue, a particularly worrying situation given the likely reduction of tariffs on imports following the implementation of the East African Trade Agreement.[39]

In all four countries the domestic tax base remains extremely narrow and efforts are underway to reform collection systems. As Table 2 shows, there are only some 700 taxpayers in Congo who provide 90 per cent of domestic revenue, while Tanzania has a broader base of 300,000 taxpayers. Nevertheless, even here, 278 large taxpayers provide 70 per cent of domestic revenue. These have involved establishing semi-autonomous agencies within the government to improve the efficiency of tax collection both in customs and in revenue authorities, streamlining tax laws and concentrating on the biggest taxpayers, usually through the establishment of Large Taxpayers Offices, as in Uganda, Tanzania and Rwanda. Here we look briefly at these efforts in Rwanda, Congo and Tanzania.[40]

Table 2: Taxpayers Contribution to State Revenue, 2005

	Congo	Rwanda	Tanzania
Total Number Of taxpayers	600-700	5,060	300,000
Contribution to domestic revenue	90%		
"Large" taxpayers		257	278
Contribution to domestic revenue	40%	80%	70%

Source: Interviews with, and tables from, the Revenue Authorities in each country

Rwanda
In Rwanda where domestic taxes other than customs amount to only 20 per cent of government revenue, the government is attempting to move away from reliance on taxing foreign trade to

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[37] Republic of Rwanda, Ministry of Finance and Economic Planning, Department of Statistics: Rwanda Development Indicators 2001, p. 203.
[38] UNCTAD, Least Developing Countries Report 2002,. "ODA Per Capita in Constant USDollars".
[39] Interview with a consultant, Dar Es Salaam, 21.06.05.
[40] For a discussion of the revenue effort in Uganda, see DiJohn and Putzel, 2005.

increased collection of income tax and VAT, which has been set at 18 per cent. Unlike in Congo, the revenue administration seems to be competent, transparent and corruption free. They managed to increase internal revenue as a percentage of GDP, although the revenue base remains extremely limited: 257 taxpayers pay 80 per cent of the tax revenue and the total number of taxpayers does not exceed 5,000.

As the chart below illustrates, revenue has increased remarkably over recent years, but it will be a long time before even a – low – African average level of revenue as percentage of GDP is achieved. So far, only 14 per cent of the GDP in one way or another passes through government hands.[41]
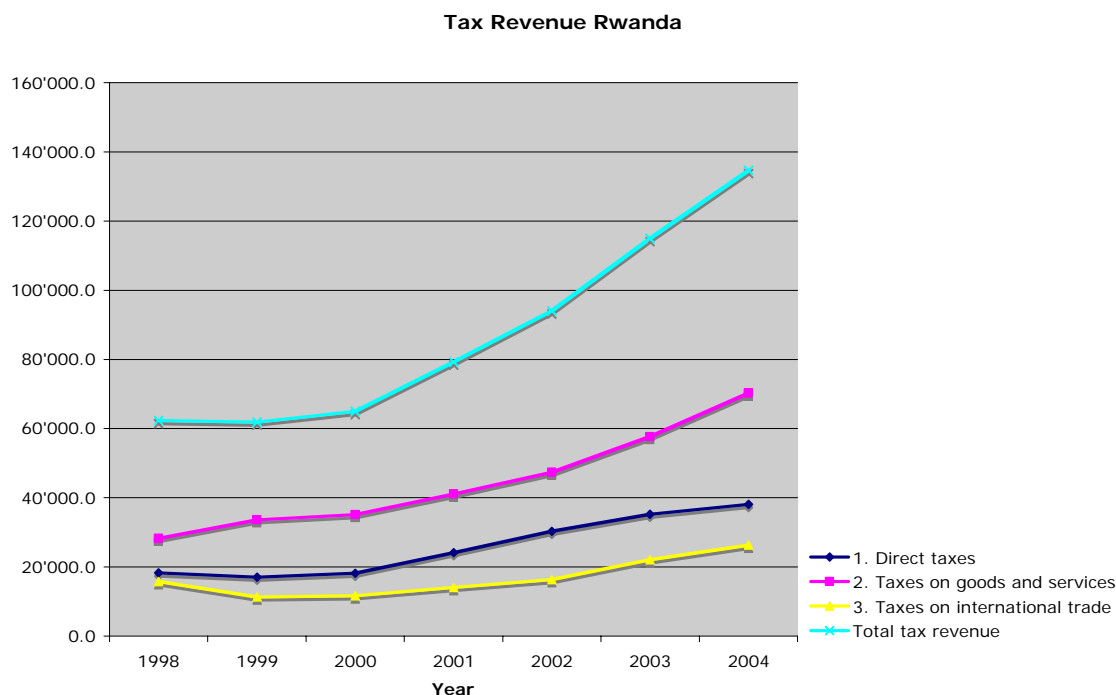
Tax Revenue Rwanda

Source: Rwanda Revenue Authority, 15.06.2005

Congo

Saying something comprehensive about state revenue in Congo is a delicate matter. Although the figures presented here are taken from official sources such as the Central Bank, the "Office des Douanes et Accises" (OFIDA), the "Ministère des Finances et Budget" or the International Monetary Fund, the economy basically works on the basis of US dollars - more than 85 per cent of bank deposits are in US dollars.[42] More often than not tables are not coherent, not available or just rough estimates.

The interim government and the international financial institutions agree that the expansion of state revenue is an urgent priority, as only 45 per cent of government revenue is domestic, i.e. from customs and taxes. Fifty-five percent comes from outside, as mentioned above. A large taxpayers' office has been established, which contributes roughly forty per cent to the overall domestic

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[41] Interview, Rwanda Revenue Authority, 15.06.2005

[42] Minimum program, p. 37. The banking system is extremely weak in Congo and basically exists in big cities. The most elaborate network of bank branches can be found with the „Caisse Générale d' Epargne du Congo". They had a total of 60 branches in 2002 (Banque Centrale du Congo: Rapport Annuel 2002-2003. Kinshasa 2003, p.265) in the entire country almost the size of Europe. For comparison: the savings bank in Hamburg has 180 branches in the city. Congo still heavily relies on "cash management by lorry", as one economist phrased it.

revenue, while ninety per cent of domestic revenue comes from about 600 companies.[43] One-third of income tax is derived from ex-patriots.

Since 2002, tax and customs collection seem to have improved: OFIDA collected US$55 million in customs revenue in 2002 and is aiming at more than US$ 300 million in 2005.[44] Customs collection is concentrated in 4 places, which contribute to revenue as follows: Kinshasa and Matadi, the port at the Atlantic Ocean, 50per cent; Kasumbalesa at the border to Zambia 9 per cent; Lubumbashi 20 per cent; and from the Great Lakes there are hardly any records. The gold and mineral rich provinces in the East contribute with less than 1 per cent to customs revenue. Statistically, an average customs officer has to monitor 780 km of border.

The head of OFIDA gave some comparative indicators: customs revenue in 1994 was US$70 million; in 2004 it was US$ 260 million; and the 2005 aim was more than US$ 300 million, roughly the revenue collected annually during the Mobutu era. It is noteworthy, however, that the Gross Domestic Product is significantly smaller now.

Interlocutors from OFIDA as well as from the IMF pointed out that revenue collection was improving not only in absolute terms, but also as a percentage of GDP. The problem with this way of describing things is the fact that GDP in constant prices shrank significantly between 1993 and 2002, at least according to the Central Bank: data from the annual report of 2002-2003 in Table 3 provides an illustration:

Table 3: Democratic Republic of Congo, Gross Domestic Product and composition (1993-2002)
(in millions of Congolese Francs at year 2000 prices)

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
GDP total	374,557.5	360,059.7	362,641.5	358,603.3	339,206.9	333,315.1	319,082.2	297,065.5	290,827.1	300,914.4
Agriculture	193,832.5	192,243.7	187,908.8	182,544.9	177,481.2	174,965.6	166,028.6	146,671.3	140,907.3	141,563.9
Industry	56,534.5	56,203.5	62,305.2	66,386.0	53,290.7	54,085.1	58,586.7	59,570.7	58,564.0	70,054.3
Extractive industry	20,786.7	21,183.9	22,512.0	23,231.8	19,992.3	21,912.3	23,633.3	30,516.6	30,770.9	33,830.5
Manufact-uring	21,382.5	19,197.9	21,717.4	20,981.4	16,417.5	15,225.9	15,887.9	14,151.0	11,851.5	12,657.7
Services	125,051.1	112,539.4	111,831.6	109,275.4	107,839.2	102,741.8	95,724.7	89,089.5	85,939.2	83,887.7

*Source: Banque Central du Congo, Rapport Annuel 2002-2003.*

GDP in constant prices shrank by 20 per cent, due to declines in agriculture (-26.9 per cent, manufacturing (-39.87 per cent) and services (-32.91 per cent). Only the increase in extractive mining prevented an even steeper decline.

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[43] IMF source.
[44] Interview, Office des Douanes et Accises (OFIDA), Kinshasa, 03.06.05.

GDP DR Congo 1993 - 2002
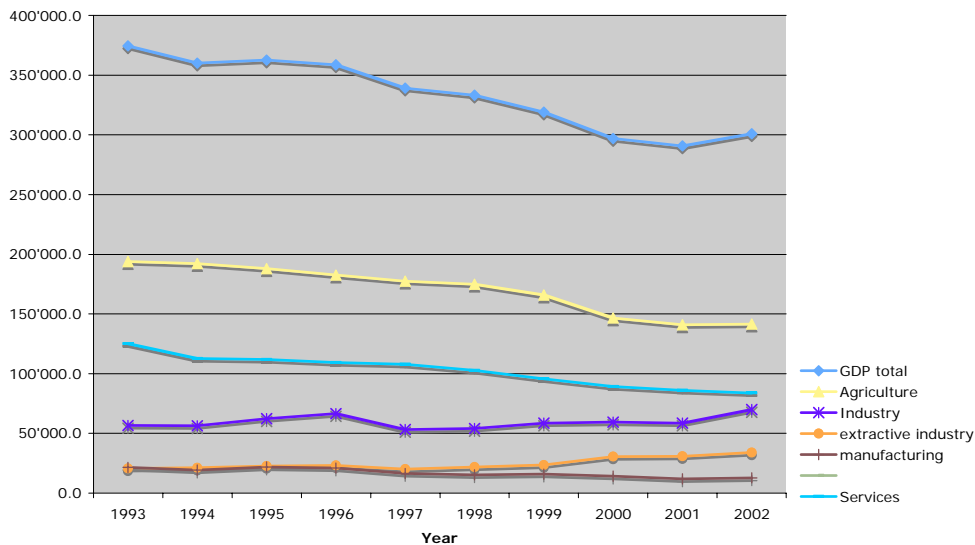
With a GDP per capita of $99 per year, a life expectancy of 45 years, 15,000 child soldiers, between 2 and 3 million displaced persons[45], and a terribly weak and sick economy, the Congolese state does not have much room for manoeuvre. Next to security, the critical question of how to stimulate economic growth has to be addressed. To raise revenue, an economy must produce wealth.

Tanzania
Even in Tanzania, the revenue position of the state is extremely weak. With the election of Mkapa to the Presidency there was an effort to reverse the trend of sharp decline in government revenues that had accompanied the previous decade of liberalisation. But the revenue position of the state remained precarious. Even in terms of customs, one estimate is that goods are often undervalued by anything from 100 to 500 per cent, a fact that has underscored the state's efforts to introduce a major reform programme.

Efforts to rebuild the revenue base of the state are being directed at targets that will yield the biggest results. In customs collection the major problem is in the valuation of goods. Reform programmes have therefore focused on improving the capacity of the customs office to ensure compliance in valuation. Another bottleneck is the length of time it takes for goods to clear customs, which raises the possibility of all sorts of bribery to speed up the process. By radically streamlining the customs clearing process, officials believe they can greatly increase revenue captured, through improvement of legal compliance and removal of opportunities for graft. The streamlining process will also involve getting rid of a myriad of exemptions, thereby removing possibilities for discretionary action by customs officers.

In 1995 the Tanzanian Revenue Authority (TRA) was established as a semi-autonomous agency of the state. Personnel of the old revenue authority were vetted, some 36 per cent retrenched, and by 2004 close to 50 per cent of the old personnel were out. The crux of the reform of the TRA has been to concentrate limited capacity on areas where the most revenue can be collected. As elsewhere, this has involved establishing a Large Taxpayers Office (LTO). When the LTO was established in 2001, 100 large taxpayers were identified, increasing to 200 by July 2004, with a planned further 78 to be added by July 2006.[46] By 2004 the LTO was collecting 62 per cent of all domestic revenue or 33

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[45] IMF country report No. 04/243.

[46] Large taxpayers were defined as: turnover is 10 billion+; Special business sectors (like Retirement Funds) need expertise: Banking, Mining, Pension and Provident funds, insurance and other financial; Taxpayers whose aggregate tax

per cent of total revenue. Most striking is that some 90 per cent of all revenue that the LTO collects is from foreign owned companies.[47] During the *Ujamaa* period the marginal rate of taxation was 95 per cent. By 2004, this was reduced to 30 per cent. The maximum withholding tax was set at 15 per cent. An official of the TRA, who argued for an end to all exemptions offered to foreign companies, said that if foreign companies complain about this "Tell them to go invest in Falujah. Tranquillity and peace have a price".

While some 200 companies account for 33 per cent of all revenue earned by the government, the total tax base in Tanzania stands at 300,000 people, 10 per cent of whom fall within the remit of the LTO. One tax official said that with liberalisation under Mwinyi, abuses abounded and the country was almost bankrupt. By 1995, when Mkapa came into office, tax collection had fallen to Tsh25 billion a month. Under the drive to rebuild revenue collection, the tax take had risen to Tsh145 billion per month in 2004.

If, in a stable system like Tanzania, it has proven so difficult to build up a domestic revenue capacity, it will be all the more difficult in states coming out of processes of collapse and warfare. In Uganda, Rwanda, and Congo, this issue is receiving serious attention and there does seem to be some lesson-learning going on. The expert who headed tax reform efforts in Uganda went on to get involved in efforts in Rwanda. However, the comparative experience also illustrates how dependent these economies are on customs revenues and the headlong rush to create more open trading regimes has not always taken account of the impact this will have on embryonic revenue efforts.

The Organisation of politics in state reconstruction

The organisation of politics in the process of state reconstruction will in the long run determine not only the effectiveness of the state, but also its legitimacy and durability. We can see that the processes of state collapse were underpinned by systems of political organisation based on exclusion. Based on the case studies here, and following on from our discussion of the national coalitions that assumed power in the new states, we would argue that the key variables by which to assess the extent to which political organisation is leading towards more inclusive and therefore durable polities are: the manner in which citizenship is defined, the way in which access to public office is determined, and the distribution of property rights within the polity.

Inclusiveness in this sense is definitely not determined by formal democratic processes. The history of Tanzania where a one-party state built and maintained a relatively inclusive and therefore stable system of political organisation over forty years, demonstrates this. In fact, after looking at the experience of Uganda, Rwanda and Congo, we want to underline this proposition by briefly examining the ways in which the introduction of multiparty competition in Tanzania risks introducing new forms of exclusionary politics.

Uganda

After 1986 the National Resistance Movement (NRM) established a government that combined significant participation by local communities in local governance structures with a 'no-party democracy', or a single-party, NRM-ruled central state. As mentioned above, the logic of Museveni's commitment to 'no-party' government was to avoid competitive politics that would appeal to the population on grounds of ethnicity, religion, or regional particularism. After years of warfare around which there was significant mobilisation on these regional and identity bases, the

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payments exceed one hundred and fifty million shillings per annum. Interview, Large Taxpayers Office, Dar Es Salaam, 22.06.05.
[47] There are some 86 people working for the LTO.

NRM's move was generally welcomed. Thus, an inclusive approach to political organisation was combined with significant constraints on formal democracy.

The NRM introduced a system of local administration, the Resistance Council (RC) system, in which local people elect their own leaders and are free to participate in decision-making. For the first time in the country's history, places were reserved for group representatives. Thus, there were places for women, the disabled, and youth. Uganda had not had a more inclusive government since independence.

With the passage of time, and especially ten years after the NRM's rise to power when Museveni reneged on earlier pledges to step down as President, opposition began to develop both within the NRM and among the elite more generally. However, much of the population, with memories of past turmoil still fresh in their minds and eager to make ends meet in an economically tough environment, still want 'the peace Museveni brought' to continue. Many say they hate or are tired of 'politics' and perceive the opposition as trouble-makers intent on causing chaos. Museveni knows that this is the view of many rural people, so he capitalises on it by going around the country and holding huge rallies to demonstrate his 'popularity'. But there again Obote used to hold huge rallies in many parts of the country, even as Museveni's rebel movement was closing in on his government. So, we have a situation of increasing elite polarisation amidst reluctance or unwillingness by ordinary people to risk the prevailing peace and stability. in most parts of the country.

Nonetheless, Museveni has been keen to build support among key elites through allowing considerable access to public office and resources, though his critics would argue this has taken on more the character of 'rent seeking' for special interests rather than inclusiveness. He has been willing to cede power (even if to a limited extent) to local barons who, through presiding over local fiefdoms such as districts, gain access to resources and opportunities for patronage and allow him free reign at the level of the central state. In this way he has managed to maintain high levels of support in the countryside. Local people who are able to see the fruits of their kinsmen being in power – big cars, some schools, clinics, jobs – remain generally happy and praise Museveni for 'bringing decentralisation'.

A more worrying sign has been the trend towards more exclusionary practices in appointments to public office. By 1995, many dissenters, mostly members of political parties who had initially agreed to join the broad-based arrangements, were purged from the government. Henceforth, appointments became strictly for NRM supporters and started taking on a regional flavour, in favour of Museveni's ethnic allies.[48] The administration has come under some criticism for appointing only Museveni's Bahima tribesmen and relatives (his son was appointed as commander of the military's mechanised battalion) to influential and sensitive (not necessarily the most senior) positions in the military, as well as to bodies such as the Uganda Revenue Authority.

In terms of property rights, the NRM regime's record is again skewed. There is a sense in which ordinary people, at least outside the war zones of the North and Northeast, feel more secure in their property than at any time since independence. Moreover, in order to build bases of support, Museveni has broken from past patterns of overt discrimination against sections of the business community, by extending rights of access to lucrative assets. He handed back assets to business interests expropriated before he came to power and extended privileged access and incentives such as tax breaks to those intending to invest. He reinstated Asian properties, which profited many people (lawyers, accountants, estate agents, contractors, etc). Finally, he has personally been responsible for inviting foreign investors and according them extensive incentives. Many members

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[48] M.A., Tripp, "The Changing Face of Authoritarianism in Africa: The Case of Uganda', n.d..

of these groups associate their success so far and in the future with Museveni and therefore want to see him stay in power, or are at least not against it since, as some claim, there is no one else to replace him. Indeed, his election campaigns (and other schemes) are partly funded by donations from these groups and their agents.

Of late, critics of the NRM contrast it with CCM and argue that it is at risk of turmoil and disintegration owing to the absence of debate within it and the imposition by Museveni of his views on its membership. In recent times the party has been purged of members who have dared to stand up to him, leaving "only cowards who go along in order to protect their 'source of groceries'", as one commentator has put it. This, it is argued, has made it impossible for those within the party who favour dialogue and consensus over confrontation with the opposition on major political issues, to influence events. Museveni has made no secret of his dislike of political parties and is reluctant to talk to their leaders as equals, preferring to lecture and, occasionally, to harass them using the police, the army and other security agencies. Parties have in turn resisted being lectured to and threatened to respond to violence with violence. In the lead up to elections in 2006, parties showed their determination to fight back by forming militant youth wings to retaliate if beaten. Although no significant confrontations took place, these events point to the risk of a return to the 'bad old days'.

Rwanda

In Rwanda, the government seems to be determined to establish and guarantee participation. There is little evidence of arbitrariness or ethnically biased persecution.[49] In March 1999 countrywide local elections were held. By spring 2001, local government and *burgermeisters* were elected and half a year later, the judges of the *gacaca* courts (community based courts established to consider the cases of those accused of participating in the genocide, discussed further below). In May 2003 a national referendum adopted the new constitution with an approval rating of 93 per cent. In August 2003 Paul Kagame was elected Head of State, followed by parliamentary elections in September. Five parties are represented in parliament and government, with two further parties forming the opposition outside of the government[50].

The new constitution guarantees a number of individual and collective rights the state is obliged to protect. Given the experiences of the country's history, it seems understandable that restrictions on self-expression, individually or collectively, are made through the prohibition of discrimination. The constitution refers to its fundamental principle (Article. 9) of "fighting the ideology of genocide … and the eradication of ethnic, regional and other divisions". Article 11 states that "All Rwandans are born and remain free and equal in rights and duties. Discrimination of whatever kind based on, inter-alia, ethnic origin, tribe, clan, colour, sex, social origin, religion or faith, opinion, economic status, culture, language, social status, physical or mental disability or any other form of discrimination is prohibited and punishable by the law." Accordingly, freedom of thought (Art. 33), freedom of association (Art. 35), equal access to public service (Art. 45) and political parties (Art. 52 – 55) are guaranteed as long as they do not discriminate in whatever form.

Of course there are differences – as elsewhere – between constitutional norms and reality. The Kagame government is every now and then accused of having turned authoritarian and banning political expression not to its liking. None of our interviewees personally considered Kagame to be dishonest or only interested in personal political power, not even those who criticised him for certain decisions or non-decisions. There is, however, an awareness of possible centrifugal forces, and restrictions on their activities under the prohibition of discrimination seems understandable. In

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[49] As an ambassador (Interview, 15.06.05) put it: „Does the government chase people out of their beds at three o'clock in the morning and deport them? No! Do relevant social groups like women, youth, disabled etc. have an opportunity to express their ideas and needs? Yes!"

[50] Parties in parliament and in government: FPR: Front Patriotique Rwandais (32 MPs), PDC: Parti Démocratique Centriste (3 MPs), PDI: Parti Démocratique Idéal (3 MPs), UDPR: Union Démocratique du Peuple Rwandais (1 MP), PSR: Parti Socialiste Rwandais (1 MP). Opposition parties in parliament: PSD: Parti Social Démocrate (7 MPs), PL: Parti Libéral (6 MPs). Additionally, there are 24 parliamentary seats for women, 2 for youth and 1 for disabled people.

March 2005, the political wing of the FDLR (Ex-FAR/ Interahamwe) declared in Rome/St. Egidio that they were prepared to stop armed fighting. They agreed to return to Rwanda on two conditions: to not be submitted to the *gacaca* processes and to be allowed to establish their own political party. Both demands were rejected by the government, understandably and in accordance with the constitution.[51]

After the genocide the terms "Hutu" and "Tutsi" lost currency in Rwandan public life. The constitution adopted a broad definition of citizenship and abolished all notions of *jus sanguinis* in order to define entitlements and all references to ethnicity or origin. Article 7 states that

> "No person may be deprived of Rwandan origin. … Rwandans or their descendants who were deprived of their nationality between 1st November 1959 and 31 December 1994 by reason of acquisition of foreign nationalities automatically reacquire Rwandan nationality if they return to settle in Rwanda … All persons originating from Rwanda and their descendants shall, upon their request, be entitled to Rwandan nationality."

There are voices, however, who read this paragraph and all related political speech as a definition by Tutsi power, of a "diasporic, rather than a territorial, notion of political obligation and political community"..[52] Government and constitution made very clear that they have no intention to re-institutionalise Hutu and Tutsi as political identities, which would make civil war more or less permanent. But given the experience of ethnic and political division since colonial times at least, the experiences of violence that culminated in the genocide and that this conflict has widely spilt over the borders into neighbouring countries and created violence there as well, there are feelings and tensions that become a reality in everyday life. "Rwanda's key dilemma is how to build a democracy that can incorporate a *guilty majority* alongside an aggrieved and *fearful minority* in a single political community".[53] When in public perception the term "survivors" is applied to Tutsi and when Hutu are supposed to be perpetrators, the constitution alone will not be able to give equal access to politics, power etc. As Mamdani argues powerfully[54], a probably long process with regional and international help will be necessary. So far the legacy of history is so disturbing that history is not taught in schools, as "history in Rwanda comes in two versions: Hutu and Tutsi".[55]

In the meantime practical questions have to be addressed as well. Reflecting on the mass character of the genocide and on the fact that the prisoners accused of participation in the genocide were statistically accused of having killed eight people each, we tried to understand why and how so many people were ready and willing to commit such atrocities. One possible explanation – and rumour – had it that *genocidaires* did so in order to lay their hands on their former neighbours' properties. Although we did not investigate this to any meaningful extent, we did not find any hint that participation in the genocide was eventually profitable. Former owners or their descendants in principle have the right to claim back their land, their houses etc. In practice, this often conflicted with the generalised view that women and children below a certain age have no right to inheritance. Two different developments occurred in these cases: firstly, government passed a law that ensured

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[51] The political and military aims of FDLR are listed in a self-description: „The Rwandan Liberation Democratic Forces (FDLR) are Rwandans determined to defend their motherland kept under constant threats of extermination by a tyrannic and barbaric regime. The FDLR are a response to contempt, arrogance, ruthless and bloodthirsty repression, and fascism of the Rwandan Patriotic Front (RPF) ... The FDLR constitute a political and military organisation. FDLR's goals are to liberate Rwanda, plead in favour of the oppressed and the excluded, open a new era of peace, and bring back into the hands of citizens the planning and management of their lives." (>http:fdlr.r-online.info<).

[52] Mahmood Mamdani, *When Victims Become Killers*. Princeton, 2001, p.261.

[53] Mamdani (2001), p.266

[54] Mamdani (2001), Chapter 9: Political Reform after Genocide.

[55] Mamdani (2001), p.267.

female inheritance[56] and helped them to move back into their former homes[57]. Secondly, in many cases this did not work. The situation of women, especially widows, was so bad that many were ready to engage once more in long abolished social practices. Catholics started to accept polygamy, in other words they accepted becoming the second or third wife of a man who was able to protect them and able to claim property[58].

In 2004 a land reform law was adopted by the Rwandan Parliament and Senate. This will affect a vast majority of people dependent on land. The new law focuses mainly on grouping the population into new settlements in rural areas, on guided land consolidation (bringing together small plots of land) and on establishing a master plan of land use and land development.[59] Traditionally, land in Rwanda was owned by the state and the right of occupancy was given to families. Customary law will be confronted directly with statutory law over the land question. It remains to be seen whether this will breed new tension and violence or whether the Rwanda elite will be able to manage these conflicts.

Another topic of possible inclusion or exclusion is access to public office. Varying over time, either Hutu or Tutsi were in a majority among the rank and file in public organisations. Again, we do not have a very clear picture of proportions. This is particularly difficult as a number of sources argue that Hutu form a majority in many organisations, but Tutsi are in power, while officials deny any ethnic categories. While the constitution, the law and officials claim that people are only employed on the basis of qualifications, it is possible that the skill-requirements of an elite, which to some seems to come from 'abroad', can be translated into discrimination.[60]

The ruling elite gives every indication of basically trying to be as inclusive as possible, i.e. not inviting the organisers of their slaughter to the cabinet table, but otherwise doing a lot to bridge the prevailing ethnic divide. Former members of the FAR (the Habyaramana regime's armed forces) have been integrated into the RDF. The reverse is, of course, that this goes together with the notion of staying in power (at almost any cost) in order not to be made the target of a new violent or genocidal attack. Even without formal democracy this will not be a condition accepted forever by the majority, when they cannot be prevented from identifying themselves along ethnic lines.

More than 100,000 prisoners accused of participation in the genocide created an overwhelming problem: how could they be fed, how could they be treated, and how could justice be re-established after the trauma the entire country went through? Clearly, the judicial capacity, especially in a war-torn country, was over-extended. Sticking to a normal routine of legal procedures would translate into not dealing with the problem, since an estimated 150 years of court sessions far exceeds the life expectancy of all participants. An amnesty would have been out of the question and would have given a signal that one can kill people and get away with it. Rwanda found a unique way to deal with this.

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[56] In fact, Rwandan laws and the constitution have a surprisingly progressive attitude towards women's rights and acknowledge these rights to quite an extent.

[57] This is an enormous task, as many of the 2 million 1994 refugees returned home. Another 2.5 million people were internally displaced.

[58] According to one interviewee, since 1994 60% of women live in informal relationships because families cannot afford to pay dowries and legal fees. War and genocide and the results have impoverished people to an extent that social behaviour has changed a lot. Further examples show that (extended) families no longer care/ are unable to care for orphaned children of their relatives.

[59] Interview, Ministry of Agriculture, 15.06.06.

[60] The fact that many of the RPF-cadres lived in exile in Uganda and Tanzania before returning to Rwanda, and the fact that they were able to attract substantial numbers of Rwandans to return from the diaspora, made a huge linguistic change in Rwanda. At least in Kigali English is almost as much spoken as French. So a job advertisement asking for fluency in English might as well be translated as "we are looking for a Tutsi from exile".

People who are accused of being organisers and with prominent responsibility for the genocide (category one) are to be treated by the special court in Arusha, Tanzania, established by the UN in 1995.[61] There are three further categories of accusation treated by *gacaca* courts.

These courts are (by now) locally elected bodies, which work on a combination of customary and statutory law. This law has been written down in the meantime and is applicable in the entire country. In a manual about legal procedures, the rights of the accused to defence are codified as well. Well over 170,000 judges have been trained to preside and by 1996 the first courts were established in a pilot phase. After the adoption of the *gacaca* law in 2001, the courts were anchored in the constitution in 2003 (Art. 152).[62]

Gacaca courts are criticized on different levels. Some see them as a means of revenge by false accusations. Some see them as totally outside a framework of 'rule of law'. Some see them as a cheap escape for people who committed serious crimes. Some think it is very dangerous to serve as a witness with the likelihood of being killed afterwards.

A number of consequences are unintended: witnesses and spectators have to face their particular trauma again. In a number of cases, the accusations will not be substantiated and a murderer will be freed. In other cases, being a bold witness makes people enemies of families, which under prevailing life in small villages will lay the basis of hatred for centuries to come. Children grow up hearing about these atrocities one full day every week (through the regular *gacaca* court sessions held in their villages) and that will create new hatred .

Gacaca is meant to contribute to national unity in a communal way, to face recent history and to find compensation and reconciliation. It is as yet unclear how far it will serve these purposes. In favour of *gacaca*, it has to be stated that it created a general feeling that 'nobody is above the law' – not even ministers and close friends of Kagame.[63] Moreover, it is a reasonable and pragmatic approach to avoiding impunity – be it through ordinary trials that cannot be organised within the lifetime of an accused, or through an amnesty.

Congo

Congo, again, represents an extreme case. The prospects for constructing any form of inclusive political organisation will remain dim for as long as the central question of who can legitimately claim to be a citizen is not resolved. Our field investigations illustrate intractable positions over this question. That the international community enthusiastically encouraged the interim government to go ahead with nationwide elections in this context is very worrying indeed. Antagonistic groups operating with rival institutional systems as their point of reference have (violently) opposed positions about this question. A similar antagonism, rooted in rival institutional norms, colours all approaches to access to public office and property rights as well. At present, institutions of customary and of statutory law, of informal reciprocal networks, and of violent networks with forced labour coexist and conflict.

What is striking in the present situation, however, are the aspirations of actors that there will be a future with a proper state, i.e. capable of unifying the rules of the game. A traditional leader argued:

> "My people live in desperate circumstances, and I can hardly do anything about it. They are squeezed on ancestral land; they are surrounded by violence. How can I improve the

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[61] The Arusha court is not particularly popular in Rwanda, as trials take an endless amount of time, play every judicial trick, and people object in particular to the way the accused are well fed and medically looked after, while their victims are suffering on quite a different scale.

[62] A good overview over rules and procedures is provided by the NGO "International Penal Reform".

[63] That was the unanimous statement of people we spoke to.

> situation? With the present government it is impossible. They write a lot and do nothing. We need a hospital and secure water supply in order to avoid the cholera. Once we had a machine to produce banana extract. It was destroyed in the war. We cannot simply return to traditional agriculture. We need machines and jobs. A strong government could solve our problems."

Business people feel sick and tired of the armies found all over the territory and which interfere with their businesses. They have almost nostalgic memories of the Mobutu regime when things ran comparatively smoothly. Without exception our interviewees clearly stated that they would happily pay taxes – once everybody has to pay – rather than bribe their way for everything including education for their children. The re-establishment of a single framework and a capable state that might even open up economic spaces is highly desired.

Beyond the particular tension about citizenship in the Kivus, in Eastern Congo, people across the country (as well as representatives of the 'international community') assume that even a non-contested citizenship would not result in elections according to political preferences, that is, to party programmes or certain ideas about how to tackle the future. Political parties are first of all wings of military factions,[64] and secondly representatives of a particular region, or even representatives of a part of the elite from a particular region, who can safely assume that their fellow people will vote for them in a neo-patrimonial style. They either do not know whom else to vote for, or the votes are for sale, as in Kinshasa. "We will only vote for our tribe", as one businessman put it.

The Constitution, adopted almost unanimously by a referendum in December 2005, states that all people living in Congo at the time of independence are citizens (Art. 14), and demands a law to define citizenship beyond that. "*Loi No 4/24*" from November 2004 refers to a combination of *jus sanguinis* (a citizen is a child of Congolese parents) and *jus soli* (a citizen is a child of ethnic minorities who were in Congo at the time of independence, and children born in Congo whose parents are unknown or stateless or whose home countries do not give citizenship to their children). Congolese citizenship can be acquired by naturalization, adoption, by marriage and by a combination of birth and residence. Children of non-Congolese who were born in Congo and lived there constantly can become Congolese when they are over 18 years of age (Art.21).

During the preparation of the constitutional referendum and national elections two issues appeared more important in the political discussion than the text of the law on citizenship. For some people, especially in the Kivus, there continues to be a big debate over who should be considered a citizen and who not, and the outright answer of 'indigenous' traditional Congolese as reported to us by one traditional leader is: "All who lived here before 1960 and their children. Who speaks Rwandese is not seriously a Congolese."[65]

For others, the actual process of registration for the referendum and the elections was most important. Law No. 04/028 from December 2004 defined the procedure: potential voters could either produce an identity card such as a passport, a driving licence, a social security card or a military membership card. People who could not provide any of these needed five witnesses who were inscribed in the electoral list and who had lived in that particular place for at least five years (Art. 10).

Given the history of state decline over almost 20 years, few Congolese could present the required paperwork. In the period leading up to registration 'indigenous' people commonly feared that the '5

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[64] A businessman, thinking about being a candidate to challenge the governor in the electoral process, agreed when asked whether running for office would mean creating his own armed force.
[65] Interview, traditional leader, North Kivu, 9.6.2005

witness solution' would be an easy way for everybody from Rwanda to register. "When all Rwandans get registered, war will break out", the Vice-Governor of Kivu and member of a royal family from Masisi, Lende from the kingdom of Maunde, argued. "The Mai Mai will not watch the country being plundered and do nothing. They want to defend and liberate occupied Congo".[66]

The contested frameworks of citizenship or ethnic origin are closely linked, not only to access to office and state authorities, but also to land ownership. Customary authorities that are not elected but mostly serve through traditional right have some administrative and judicial power as well as the power to allocate land. In spite of the formal nationalisation of all land in 1973 and the statement of the Constitution[67] that all land belongs to the state, 'traditional' leadership exercises the inherited right to allocate land. A traditional leader in North Kivu told us:

"I am responsible for this land, I can decide and I can demand. The land is the property of our ancestors, the first owners, and it is my responsibility to ration it and to allocate it for agriculture, for housing etc.. When the Governor wants to build something on Bukumu-land he has to ask me".[68]

Congo clearly operates with competing institutions: citizenship, land-ownership and access to public office are antagonistically established in customary law and in statutory law. People operating within them can cooperate at times, but in times of scarcity, alternative institutional frameworks are used to justify the pursuit of ends by the most violent means. The decay of national state institutions and the pressure on traditional institutions has done harm to both. In many areas of political and economic life in Congo something else has evolved: spaces and people who are neither under the control of traditional authority nor the authority of state law.

This is the case for people in cities, who once came as workers when there was still a mining industry, and for those who once made it into any other part of the formal economy including various state organisations. Pure distance made them inaccessible to their former traditional authorities, and state organisations, which were not able to pay them, to give them legal protection or social security, lost authority as well. All sorts of informal networks, governed by institutional arrangements devised by participants, developed over time: buying and selling food, building houses, dealing with university degrees, maintaining water supply, creating health services or starting artisanal mining is largely done by these sorts of networks. Contrary to conventional wisdom, they do not operate on a pure "*homo oeconomicus*" rationality when individuals buy and sell at an agreed price. These networks operate through personal knowledge of each other, through a certain amount of trust and reciprocity. "Debt, whether it be in the form of a loan, a service rendered or a favour, will ultimately have to be redeemed."[69] These networks came to command quite a substantial part of Zaire's economy, including international trade. Part of this informal sector – or second economy, as Janet MacGaffey coins it[70] – is basically legal, like buying or selling food or changing money, although there are normally no taxes or concessions involved, but rather 'fees'. Part of this business is outright illegal, for example prostitution or digging minerals and smuggling them out of the country. These networks partly represent the economy of survival and are partly about getting very rich in a very short time. Churches and international Non-Governmental Organisations often become part of these networks.

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[66] Interview, 10.6.2005.

[67] Article 9: „Le sol et le sous-sol appartiennent à l'Etat. Les conditions de leur concession sont fixées par la loi, qui doit protéger les intérêstes des populations locales."

[68] Interview, traditional leader, North Kivu, 9.6.2005

[69] Theodore Trefon, *Reinventing Order in the Congo. How People respond to State Failure in Kinshasa*, Kampala, 2004, p.23.

[70] Janet MacGaffey, *The Real Economy of Zaire. The Contribution of Smuggling & other unofficial Activities to national Wealth*, Philadelphia, University of Pennsylvania Press, 1991.

People are able to adapt to the different institutions involved.[71] They operate as much outside official institutions as inside. They know how to avoid taxes and customs, they know how to make international connections, and they can even cope with what is probably the fourth institution outside of customary and statutory law and the institutions communities create: the institutions developed in networks of violence. Reports, especially those about artisanal mining, indicate that this mining is not predominantly done by former farmers who want to get rich quickly. Rather, people are forced by armed groups – 'official' military, or 'armed rebels' – to do the extremely hard and dangerous mining in remote areas.[72]

Given this context, the headlong rush into multiparty elections dictated by the Sun City peace accords and necessarily taking place by August 2006, seems to offer little prospect for peace and much opportunity for renewed violence and warfare. The plans have required an extensive and complex organisational process. This in a country where there is no agreement on who is a member of the polity and where military integration has not proceeded beyond its very initial stages. It does not seem likely that this sort of process will lead to the establishment of a government with wide legitimacy among the tapestry of communities throughout the DRC.

All four countries started with elections and multiparty governments after independence. They all went through turmoil after that and only recovered to a certain extent when eventually one faction (military coups in Uganda, Rwanda and Congo, the establishment of a civil one-party system in Tanzania) took over. The stability achieved in Uganda and Rwanda was not achieved through multiparty elections. In fact, despite the tensions that may emerge over time, at least the initial consolidation of peace and stability seemed to require the limitation of this form of democracy. Certainly that was the historical experience of Tanzania as well. Even today, in that most stable of African countries, the introduction of multiparty elections threatens to reintroduce exclusionary forms of politics.

Tanzania

After a decade of disastrous economic liberalisation, Tanzania embarked on a period of political liberalisation beginning in 1992 and stretching into the present. Three elections were held under the new multiparty system: in 1995, 2000 and 2005. Despite the move to open political competition, the CCM as a 'foundational party' has retained its overwhelming dominance of the political system.

However, the era of political liberalisation is transforming the ruling party and the rubric of politics, introducing new elements of regionalism and ethnic politics. The reassertion of state authority has allowed a rehabilitation of state revenues, but the tax base remains extremely narrow. By far the most serious source of instability and violent conflict arises from the always imperfect union between the mainland and Zanzibar, where politics have been increasingly conducted through an idiom of religion. Political liberalisation has also raised fundamental issues about the relation of the security forces to the civilian state.

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[71] One of our interview partners, a businessman, had established himself in the airline business when a natural disaster destroyed all his property. Homeless and penniless, he managed to visit his parental village and stayed there for seven month s pretending he wanted to return to rural life. This ancestral bondage gave him access to diamonds of the region, which he sold in Kinshasa with the help of network members. He invested in hotels and transportation but went broke again due to the war. Now he networks as a human rights activist for an international NGO. Another businessman was once representing an agency of the United Nations and now runs a hotel, a money exchange, and internet-café etc. Rumours have it that is just to cover up for the illegal money he makes in the trading and smuggling of minerals.

[72] Daniel Stroux, *Rohstoffe, Ressentiments und staatsfreie Räume. Die Strukturen des Krieges in Afrikas Mitte*. IPG 2/2003, pp. 95 – 111; Human Rights Watch, *Democratic Republic of Congo: The Curse of Gold*, New York and London, 2005.

The period of political liberalisation has been marked by changes that could have a far-reaching impact on the stability of the state. Multiparty competition across three elections has not seen any real challenge to the ruling CCM party on the mainland, but has transformed the way the party conducts politics and perhaps the character of the ruling political coalition. However, the new era of multiparty politics has led to a major crisis on Zanzibar and the outbreak of violent conflict.

The first multiparty elections, which took place in 1995, saw Benjamin Mkapa elected with a large majority for the CCM, with the opposition winning only 69 seats. In the 2000 elections the CCM increased its margin of victory considerably and the opposition won only 14 of 300 seats in parliament. Many of those who initially left the CCM to set up opposition parties have returned. According to one scholar, this has been driven by the party's entrenchment within the state and its command over resources: "Eventually one needs to go to the government to get a contract".[73] In fact, the opposition parties have not articulated programmes distinctly different from the CCM's and all come out of a social-democratic and *ujamaa* philosophical background.

The staying power of the CCM is related to both its legitimacy as a "foundational party" and the deep advantages it enjoys for having been the single party in control of the state for more than 30 years. One interview argued, "TANU can be found in far-flung places. The party flag is seen all over the countryside. A party membership card was used as an identity card, at the post office or in banks".[74] What is more, the party long enjoyed major resources from the state, receiving almost 3per cent of the national budget. It owned stadiums and office buildings and still does today. It ran *sukita* – shops – whether mismanaged or not – and it owned considerable stretches of land. The youth wing of the party owned its own hostels. So the CCM is not competing in elections on a level playing field.

The law on multiparty politics immediately registered the CCM as a permanent political party recognised by the state. New parties were registered only for 180 days and only then could they begin the process of permanent registration. The legislation required new parties to register and collect at least 200 signatures of support in every district of the country, in order to prevent parties from serving only an ethnic or regional constituency. And the law made it explicit that parties were not allowed to have any ethnic or religious provisions in their programmes.

But the regional or racist fabric of some newly founded parties was only hidden under a thin veil. "Throw all Indians into the Oceans," was one slogan and one campaigner (Mtikila) whipped up ordinary people. In some villages people said, "CCM has harassed us so much; we do not need 10 of them."

There is no sense in which the CCM has actually celebrated multiparty competition or welcomed a strong opposition. Instead, as one informant argued:

> "The CCM is used to big victories. During the first five years [of the multiparty period] the government and CCM spent effort and resources to undermine small parties. They used the government to create disharmony in small parties."[75]

Under the law, parties receive funds to conduct campaigns on the basis of both the size of their membership and the number of seats they already have in parliament. The government would play on internal divisions in the opposition, giving funds either to a party chairman or party secretary in

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[73] Interview, Max Mmuya, 22.06.05.
[74] Interview Chris Peter, 23.06.05.
[75] Interview Chris Peter, 23.06.05.

such a way as to make them fight among themselves, and this is exactly what happened between 1995 and the 2000 elections. [76]

While the CCM has remained virtually unchallenged on the mainland, multiparty politics has ushered in a dramatic change in the way politics is conducted. The fabric of the CCM as a party is changing and political discourse and campaigning has increasingly shown signs of appealing to the electorate on the grounds of racialism, ethnicity, religion and regional identities in marked contrast to the past.

By the 1990s personality politics had become more important in the CCM. According to one informant the party is being colonised by a new middle class that has benefited from liberalisation. After the creation of the CCM a resolution from Zanzibar distanced the organisation from the goals of Arusha and CCM members are now allowed to buy and sell shares. Party officials can now provide *takrim*" or 'African hospitality' whereas this was banned in the past. In 1992, the mass organisations of the party (youth, women, workers, cooperatives, parents) had a slot at the central committee. The party has now released the workers, cooperatives and parents, though they maintain the youth and women's organisations. "Men talk a lot of politics, but they do not register and do not vote, preferring to drink instead. The women you can mobilize".[77]

More worrying still is a new trend that puts into question the strong notion of citizenship that Nyerere fought for in the early days of state building. Kaya wrote that "currently, there are people arguing for *uzawa* (black indigenisation) in the economy."[78] CCM officials in the state have at times used citizenship to exclude potential, potent political opponents. Oscar Kambona, who was Minister of Industry and Secretary General of TANU, went into exile in 1967 to England after he fell out with Nyerere. When he wanted to return in 1992 to participate in forthcoming elections he was told he was not a citizen. Declaring people 'non-citizens' has also been used to gain access to business interests. As one informant told us, during the debate on 'indigenisation' after independence, Nyerere called it 'camouflaged apartheid'.[79]

In the past TANU and later the CCM often ran its leading candidates in areas different from the regions of their ethnic origins.[80] Now there is a distinct trend for candidates to stand in their local areas. Omari suggests that the opposition has taken on a distinctly ethnic language.[81] According to Kaya, religion has also become the basis of an appeal for votes in multiparty elections.[82] In the 2002 census, Muslims constituted 35 per cent of the population, Christians 30 per cent and other religions some 30 per cent. The opposition in both national elections was Muslim, but they garnered only about 10 per cent of the vote.

While politics are changing and could indeed be transformed through these trends, the political system retains considerable legitimacy. One informant said, "People are annoyed by the state, but they are not alienated from it".[83] There is a 70 per cent participation rate in elections, which is a characteristic inherited from the 'mobilisation system' upon which TANU/CCM built the state.

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[76] Interview, Max Mmuya, 22.06.05

[77] Interview Chris Peter, 23.06.05.

[78] Hassan O. Kaya, "Electoral Violence, Political Stability and the Union in Tanzania", AJCR 2, 2004., p.164.

[79] Interview Chris Peter, 23.06.05..

[80] "Julius Nyerere, Amir Jamal, Omar Muhaji and Oscar Kambona who stood, and won, in constituencies outside their home areas. Derek Bryceson is a classic example of a white, Cambridge-educated big farmer standing in a working class area, the numerically largest constituency in the whole country, and still winning massively." Kaya, p.165

[81] Omari, Abidallah H, "Civil-military relations in Tanzania", in Rocky Williams, Gavin Cawthra & Diane Abrahams, ed.s, *Ourselves to Know*, Pretoria: Institute for Strategic Studies, 2002, pp.89-106, p.104

[82] Kaya (2004), pp.164-65.

[83] Interview, Rwekaza Mukandala, 22.06.05.

The consequences of the introduction of multi-partyism have been quite different in relation to Zanzibar. In the 1995 elections the CCM confronted the Muslim supported Civic United Front (CUF) who ran on a programme of loosening ties with the mainland and introducing *sharia* law. Violence broke out when it was announced that the CCM had won 26 seats and the CUF only 24 (20 of which were on Pemba where it has its strongest base). Salmin Amour became the President of Zanzibar. Elections in October 2000 led Zanzibari politicians to claim fraud and to demand new polls. Amani Karume, the son of the assassinated former Zanzibari President, was elected to head the islands' government.[84] Underlying tensions in the Zanzibar polity where elites have never been reconciled with the federation have repeatedly exploded into violence and pose a major security challenge to the Tanzanian state.

Since the late 1990s, violence has marked both the conduct of politics in Zanzibar and relations between Zanzibar and the mainland. The violence that followed the 1995 elections led to the flight of some 10,000 people and the European Union cut off aid to Tanzania. The arrest and imprisonment of CUF MPs has been the subject of international human rights campaigns.

In 1999 the Commonwealth brokered a reconciliation pact between the CCM and CUF in preparation for elections the following year. But after those elections, in January 2001, mass demonstrations were launched and some 26 people were killed in the ensuing violence. In October that year a peace accord was struck between CCM and CUF, where the CCM-dominated government agreed to incorporate opposition parties into the government and release political detainees. A commitment was made to reform both the judiciary and the Zanzibar Electoral Commission. Kuduma has threatened that the CUF may turn to arms, but he was highly criticised on both the mainland and in Zanzibar.[85]

The kinds of questions raised by the introduction of multiparty politics in Tanzania, where state organisations have been highly institutionalised and long traditions of general peaceful conduct of politics established, should raise questions for those advocating formal democratic processes as the first step to undertake in post-war states. Attention needs to be placed on understanding the possibilities for encouraging over time a process of inclusive politics and this may or may not involve multiparty competition.

Conclusions

As we have limited our discussion to the processes and challenges of state reconstruction, we will restrict our conclusions for the moment to these aspects of the research. We began the discussion about state reconstruction with five propositions and will organise our concluding comments in relation to these.

First, the shape of reconstruction and prospects for stability fundamentally depend on the nature of the political coalition in power. The clearest difference between the outcomes of the wars in Uganda and Rwanda on the one hand, and in Congo on the other, was that there was no clear victor in Congo. Though we have not yet presented a detailed discussion of Tanzania's historical experience, the Tanzanian African National Union's (TANU) unquestioned victory at the polls in 1958 and again in 1960 was pivotal to the establishment of a new coalition at the helm of the state. Winning outright victory to establish a ruling coalition at the helm of the state allows the

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[84] Interview, Rwekaza Mukandala, 22.06.05,
[85] Interview, Rwekaza Mukandala, 22.06.05

construction of at least a formal set of rules and a coherent organisational framework for state reconstruction. There are, of course, several experiences of successful peace building through negotiated settlements between warring armies, but the possibilities of building a coherent national coalition is much more difficult.

The inclusiveness of the coalition that establishes power is pivotal to prospects for reconstruction. In Uganda, the National Resistance Movement succeeded in establishing a government with the support, or at least acquiescence, of most major elements of the elite and a wide cross section of the population. When in later years President Museveni adopted more exclusionary approaches at the centre of the state, the regime began, at least in the eyes of sections of the elite, to be less legitimate. There is plenty of evidence that further moves to exclude important power brokers from the government could be the source of new instability. In Rwanda, under the most inauspicious circumstances following recent history's worst genocidal episode, and the type of polarisation that it caused, the Rwandan Patriotic Front's efforts to recruit leaders from across ethnic divides was pivotal to what has been impressive progress in establishing peace and order in the country and getting on with the business of state reconstruction. In Congo, on the other hand, the interim government is formally representing all major powers, but is anything but inclusive. It is difficult to speak of any coherent national coalition and, in fact, parties within the government maintain their own separate armies intact and capable of re-engaging in fighting.

This brings us to our second proposition: maintaining peace requires the consolidation of coercive force within the security systems of the state. It is, of course, a familiar adage with a long intellectual pedigree, but this does not make it less important to processes of state reconstruction. Again, without outright victory in a civil war, it is particularly difficult, though not impossible, to create a consolidated security system with a unified command. In Uganda and Rwanda, the forces of the NRM and the RPF formed the nucleus of new armed forces. In Tanzania, after a mutiny of the armed forces inherited from the British, the ruling party, TANU, decided to construct an entirely new force from scratch. The new army was fully integrated into TANU, in a model that likely influenced both Museveni and Kagame a quarter of a century later. The lack of progress in creating anything like a unified national army in Congo is the single biggest impediment to state reconstruction, for which the international community, funding the process, still holds some responsibility. Further, an army needs to be paid and at a salary level that can guarantee both the loyalty of its soldiers and provide them the incentives not to use their armed power to earn livelihoods by terrorising poor populations. The regular failure to deliver salaries to the various armed components of the interim government, not to mention the police forces in urban areas, makes the loyalties of men under arms doubtful and does nothing to prevent their involvement, as in the past, in episodes of looting and violence against members of the public.

In relation to organising security, there is a need to eliminate rival armed forces that are not included in the process of integration, but are included in the calculations of those who would challenge the state reconstruction process. It is of course possible, as in Uganda, to see a long-term stalemate that places part of the country's territory beyond effective control by the state, as in the North and Northeast. After all, this has been a long lasting feature of Colombia in Latin America or the Philippines in Southeast Asia. However, in Congo, where there is only a fragile peace and no coherent national coalition presiding over the state, the continued presence and freedom to operate enjoyed especially by the former armed forces of Rwanda and allied *interahamwe*, will prevent any meaningful state reconstruction from advancing. Furthermore, the prevalence of these armed forces seriously endangers peace and stability in the neighbouring countries of Rwanda and Uganda.

Third, the condition of the economy and the prospects for raising revenue are foundational to state consolidation. In this paper we have not been able to present the full evidence we have gathered on the economic decline that contributed in a decisive way to state collapse in Uganda, Rwanda and

Congo. Suffice it to say, for the moment, that state collapse in all three countries was preceded by a sharp fall in exports, radical economic contraction and all the effects that has on revenue generation, which is crucial to state survival. Those who control the state must have very deep reserves of legitimacy, of the type enjoyed by Tanzania's ruling party, to weather economic crises that strike so intensively. But we have said more about the economic foundations of state reconstruction. The rival institutional systems present in every developing country find their bases in the structure of the economy. With large sectors of the population seeking survival strategies in the second economy, and non-state power brokers pursuing profit making in the second economy, not only is the state incapable or tapping into legitimate tax revenues, but power brokers can develop the economic base to challenge the state, often significantly legitimated by independent rule systems. This is what appears to have happened and to continue to happen in Congo.

Fourth, the organisation of the political system plays a decisive role in determining the prospects for consolidating the state and maintaining peace. Once again, here we were particularly interested in the inclusiveness/exclusiveness of political organisation and the manner in which it deals with the definition of citizenship, access to public office and the allocation and protection of property rights. Rival institutional systems provide alternative and often antagonistic approaches to all three of these dimensions of social life. In Tanzania, the combination of an inclusive approach to all ethnic groups, a deliberate policy to promote integration across ethnic groups and a principled refusal to incorporate within the state traditional political authorities, proved critical to stability in the decades to follow. Without building political organisations that cross ethnic divides in Congo, without creating access to public office and secure property rights for a wider cross section of the population, it is difficult to see how any government could forestall the kinds of violence that powerful rivals, legitimated by alternative institutional systems, can perpetrate in the future. Uganda made significant progress in this regard, at least until recently, and Rwanda is attempting to heal the scars of its past.

Finally, international actors have played an important role in shaping the possibilities for state reconstruction. Arguably, state survival in Tanzania was permitted not only by the nature of the political party in power throughout the post-independence period, but also by the continued flow of resources from donors. Of course that was in part secured because of the legitimacy enjoyed by the ruling coalition. International assistance has been pivotal to Rwanda's reconstruction efforts. Without assistance it is difficult to imagine how the Kagame-led coalition could have made the gains in state consolidation achieved so far. At the same time, too much pressure from the international community now to reintroduce political competition could threaten the stability of what remains a precarious polity. In Uganda, Museveni's status as a 'donor darling' gave the President the room to consolidate relative stability in the country without moving too quickly toward competitive politics. However, the particularities of the neoliberal policies that accompanied aid to the country may well have reinforced the personalistic politics of the President and stifled what might otherwise have been the slow emergence of a legitimate opposition strong enough to challenge him within established rules of the new Ugandan state. In the Democratic Republic of Congo, the international community seems to have put more resources into the electoral process, than in re-establishing a unified armed forces or rooting out armed challengers that could destabilise not only the DRC in the future, but potentially several countries in the region.

Right across our case studies we have found clear-cut evidence that inclusiveness is not equivalent to formal democracy. Competitive party politics and liberal democratic arrangements are particularly difficult to implement in contexts of institutional multiplicity, where rival rule systems serve as the basis to organise within formal democratic procedures. This was already proven in the immediate post-independence period throughout much of Africa and Asia. In terms of processes of state collapse, just at the moment that states were facing disastrous economic decline across the African continent, when rival forces were challenging their legitimacy from the basis of alternative

institutional systems, the international community pressed regimes to move to formal democratic procedures, as they did in Rwanda before the genocide. Ironically, the reconstruction process that is pinned most closely to formal democratic arrangements in our study is the process in Congo. The experiences of state building through limited competitive politics in Tanzania, Uganda and Rwanda, not to mention the historical experience of almost every one of the world's now developed countries, cast considerable doubt over propositions that state-making can best be pursued through modern liberal democracy.

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Department of Environmental and Geographical Sciences, University of Cape Town

with collaborators in Uganda and other parts of sub-Saharan Africa

Research Components

Development as State-Making: Collapse, War and Reconstruction

Cities and Fragile States: Conflict, War and Reconstruction

Regional and Global Axes of Conflict

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