Why UN Inspections? The Accountability Gap in Sub-Saharan Africa

Stuart S. Yeh

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ABSTRACT: This article reviews five premises regarding the prevalence of corruption in sub-Saharan Africa, then points to a set of conclusions that are implied, with the goal of suggesting actions that could be undertaken by international organizations in order to address corruption and restore the rule of law and good governance in this region. This analysis suggests that international intervention, in the form of United Nations (UN) inspectors empowered to investigate allegations of corruption, could effectively address corruption in this region. The analysis draws upon Oona Hathaway's (2005) theory of international law and an analysis of reform-oriented elements in African civil society to suggest that existing reform coalitions might support a protocol to the UN Convention Against Corruption that would authorize UN inspections.

KEYWORDS: Africa; international law; governance; corruption; reform

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1 Introduction

Sub-Saharan African countries are diverse, yet with few exceptions have been plagued by poor governance in the years since independence. It is not controversial to state that corruption is prevalent and represents a seemingly intractable problem. What is unclear is how the problem may be addressed. This article begins with a series of premises that are presumably well-accepted by development theorists, then points to a set of conclusions that are implied but have not entered the discourse regarding African development policy. The purpose is to suggest actions that could be undertaken by international organizations in order to restore the rule of law and good governance in this region. This analysis suggests that international intervention, in the form of United Nations (UN) inspectors empowered to investigate allegations of corruption, could effectively address corruption in this region. The analysis draws upon Oona Hathaway's (2005) theory of international law and an analysis of reform-oriented elements in African civil society to suggest that existing reform coalitions might support a protocol to the UN Convention Against Corruption that would authorize UN inspections (see http://www.box.net/shared/ua9y4dev9a). This support may be sufficient to overcome potential opposition from neopatrimonial elements.

2 Five Premises

*The first premise* is that the prevalence of corruption in sub-Saharan Africa is a function of the concentration of political and economic power in the hands of powerful elites in combination with inadequate checks and balances on that power. This concentration of power is used to subvert domestic institutions such as the police, judiciary, legislature, military, media, and civil service that would otherwise restrict and control corruption and foster the rule of law (Economic Commission for Africa 2009).

Ruling elites exercise this power to direct economic activity, dispense government positions, extract rents, build personal fortunes and dispense patronage to buy political support (Ayittey 2008). Potential rivals are co-opted through appointments and favours that are abruptly withdrawn at the first sign of disloyalty.
While the wave of democratization that swept through Africa in the 1990s has moderated some of these excesses, the central fact of contemporary African governance is that enormous political and economic power is concentrated in the hands of African presidents and loyal elites. Checks and balances on that power remain inadequate. In particular, the separation of powers among the executive, legislative and judicial branches of government does not function, as it does in western democracies, to check the power of African leaders. However, this does not imply that the situation is hopeless.

The second premise is that political leaders in Africa are not inherently corrupt but may act corruptly when the personal benefits of corruption outweigh the personal costs. The decision to act corruptly is based on judgments about the expected returns from corruption versus the expected returns from acting in the public interest.

The third premise is that the primary means of changing the behaviour of political leaders is to increase the costs of failing to act in the public interest.

The fourth premise is that there are two primary means of increasing these costs: a.) public campaigns to pressure political leaders into acting in the public interest, and b.) the creation of strong investigative agencies that are independent and largely immune to interference from the executive branch and, therefore, have the capacity to expose corruption.

The fifth premise is that large-scale public campaigns to pressure political leaders into acting in the public interest can be effective but require tremendous coordination and effort and, thus, are highly inefficient as a means of fostering good governance. It is more efficient to pass a law creating a strong, independent investigative agency that is immune to interference from the executive branch. This suggests that large-scale public campaigns are best reserved for the purpose of pressuring political leaders into signing laws that create strong, independent investigative agencies.

While these premises may not seem particularly new, they imply five conclusions that are currently not well-accepted. First, since powerful African elites use their influence to subvert the domestic institutions that normally check the corrupt misuse of power, an effective institutional check against corruption must necessarily involve international organizations that are external to African nations. If African elites control
and manipulate domestic organs, it is simply not realistic to expect those organs to be effective in checking corrupt misuse of power by the executive branch. Second, an effective institutional check against corruption necessarily involves an independent agency that is empowered to investigate and expose corruption and is immune to interference by the executive branch within each African country. Third, an effective institutional check against corruption in African countries must, therefore, involve international organizations in creating an independent capacity to investigate and expose corruption. Fourth, public campaigns can be effective in pressuring African leaders into signing laws that permit independent investigators to operate on domestic soil. Fifth, public campaigns could, therefore, be effective in pressuring African leaders into signing laws that would permit investigations led by United Nations (UN) inspectors of alleged acts of corruption committed by public officials.

While leaders may balk at signing a law that would permit UN inspections, 43 African leaders have already signed the United Nations Convention Against Corruption (UNCAC) and the African Union Convention on Preventing and Combating Corruption (AUCPCC). Both are international laws committing the signatories to create and enforce domestic laws against corruption and to extend mutual cooperation in investigating and prosecuting corruption.

Significantly, leaders of 30 African nations have signed, and parliaments have ratified, the Rome Statute of the International Criminal Court (Table 1).

<table>
<thead>
<tr>
<th>Country</th>
<th>Date</th>
<th>Country</th>
<th>Date</th>
</tr>
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<tbody>
<tr>
<td>Burkina Faso</td>
<td>30.11.98</td>
<td>Uganda</td>
<td>14.06.02</td>
</tr>
<tr>
<td>Senegal</td>
<td>02.02.99</td>
<td>Namibia</td>
<td>20.06.02</td>
</tr>
<tr>
<td>Ghana</td>
<td>20.12.99</td>
<td>Gambia</td>
<td>28.06.02</td>
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<tr>
<td>Mali</td>
<td>16.08.00</td>
<td>United Republic of Tanzania</td>
<td>20.08.02</td>
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<tr>
<td>Lesotho</td>
<td>06.09.00</td>
<td>Malawi</td>
<td>19.09.02</td>
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<tr>
<td>Botswana</td>
<td>08.09.00</td>
<td>Djibouti</td>
<td>05.11.02</td>
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<td>Sierra Leone</td>
<td>15.09.00</td>
<td>Zambia</td>
<td>13.11.02</td>
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<tr>
<td>Gabon</td>
<td>20.09.00</td>
<td>Guinea</td>
<td>14.07.03</td>
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<tr>
<td>South Africa</td>
<td>27.11.00</td>
<td>Congo</td>
<td>03.05.04</td>
</tr>
<tr>
<td>Nigeria</td>
<td>27.09.01</td>
<td>Burundi</td>
<td>21.09.04</td>
</tr>
<tr>
<td>Central African Republic</td>
<td>03.10.01</td>
<td>Liberia</td>
<td>22.09.04</td>
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<tr>
<td>Benin</td>
<td>22.01.02</td>
<td>Kenya</td>
<td>15.03.05</td>
</tr>
<tr>
<td>Mauritius</td>
<td>05.03.02</td>
<td>Comoros</td>
<td>18.08.06</td>
</tr>
<tr>
<td>Niger</td>
<td>11.04.02</td>
<td>Chad</td>
<td>01.01.07</td>
</tr>
<tr>
<td>Democratic Republic of the Congo</td>
<td>11.04.02</td>
<td>Madagascar</td>
<td>14.03.08</td>
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</tbody>
</table>
The Rome Statute created an international body of criminal investigators and endowed the investigators with the same broad powers to conduct independent investigations on domestic soil that are envisioned for UN inspectors. The primary difference is that the Rome Statute focuses on crimes of war, aggression, genocide, and crimes against humanity, whereas UN inspectors would focus on corruption. The process by which the Rome Statute was established provides a model for establishing a UN inspectorate. The UN General Assembly established a committee that drafted the ICC Statute, leading to adoption by 120 nations in 1998 and ratification by 111 nations by March 2010. The same process could be pursued to establish a UN inspectorate. Table 2 compares the ICC and the proposal for an African Commission Against Corruption (ACAC), employing UN inspectors. This comparison suggests that the ICC provides a model and precedent for all of the powers that are envisioned for UN inspectors.

<table>
<thead>
<tr>
<th>Table 2: Comparison of ICC and Proposed ACAS</th>
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<tbody>
<tr>
<td><strong>ICC</strong></td>
</tr>
<tr>
<td>UN General Assembly establishes committee that drafts ICC Statute, leading to adoption by 120 nations in 1998 and ratification by 111 nations by March 2010</td>
</tr>
<tr>
<td>Signature and ratification creates legal duty to comply</td>
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<tr>
<td>Compels full cooperation by state parties</td>
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<tr>
<td>Authority to make determinations of noncooperation</td>
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<tr>
<td>Prosecutor has complete independence; shall not seek or act on instructions from any external source</td>
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<td>Prosecutor shall be person of high moral character</td>
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<tr>
<td>Prosecutor appoints staff investigators</td>
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<td>Prosecutor and staff enjoy immunity from prosecution under local law</td>
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<td>Salaries and expenses paid by states parties, UN funds and contributions</td>
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<tr>
<td>Prosecutor endowed with investigative and prosecutorial powers</td>
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<td>Independent court with power to convict and imprison</td>
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<td>Power to arrest, convict, imprison, impose fines and property forfeiture</td>
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<td>Power to conduct on-site investigations, make arrests, gather evidence, take statements and testimony, prevent absconding, conduct wiretaps and surveillance (where permitted), without cooperation of state parties</td>
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<tr>
<td>Power to compel state party to execute arrests and surrenders</td>
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<tr>
<td>Power to compel state party to prosecute the accused</td>
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<tr>
<td>Power to enter into agreements to facilitate cooperation of states and persons</td>
</tr>
<tr>
<td>Power to take steps to preserve evidence</td>
</tr>
<tr>
<td>Crimes of war, aggression, genocide, crimes against humanity</td>
</tr>
<tr>
<td>Crimes involving corruption of justice, including bribery, retaliation, intimidation of witnesses or court officials</td>
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<tr>
<td>Criminal responsibility for those who order, solicit, induce, aid or abet a crime</td>
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<tr>
<td>Jurisdiction where crime is committed in state, or accused is national of state, that is party to the Statute</td>
</tr>
</tbody>
</table>
Why UN Inspections? The Accountability Gap in Sub-Saharan Africa

### Table

<table>
<thead>
<tr>
<th>Feature</th>
<th>ICC’s Admissibility and Jurisdiction</th>
<th>Admissibility of a case or the jurisdiction of the Court may be challenged only once</th>
<th>Same</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assumes jurisdiction if a state delays, shields the accused or lacks impartiality</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
</tr>
<tr>
<td>Prosecutor may initiate investigations <em>proprcta motu</em> (independently)</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
</tr>
<tr>
<td>Prosecutor does not proceed unless reasonable basis for allegation</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
</tr>
<tr>
<td>Prosecutor does not proceed unless in the interest of justice</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
</tr>
<tr>
<td>Investigation must pursue both incriminating and exonerating evidence</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
</tr>
<tr>
<td>Prosecutor must respect procedural rights of the accused against coercion and arbitrary arrest, and rights to remain silent and of assistance to counsel</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
</tr>
<tr>
<td>Preserves confidentiality of investigations</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
</tr>
<tr>
<td>Limits information provided to states, to protect persons and evidence</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
</tr>
<tr>
<td>Applies national laws of States that would normally exercise jurisdiction, provided that those laws are not inconsistent with the Statute</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
</tr>
<tr>
<td>Applies equally to all, including heads of state, members of government or parliament, and military commanders, regardless of immunity under national law</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
</tr>
<tr>
<td>No statute of limitations</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
</tr>
<tr>
<td>Orders by superiors do not relieve the accused of criminal responsibility</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
</tr>
</tbody>
</table>

Significantly, autocracies with weak rule-of-law were as likely—or more likely—to ratify the ICC statute as high rule-of-law countries: "the least accountable governments—the least democratic, with the weakest reputations for respecting the rule of law, the least politically constrained—with a recent past of civil violence were at the highest ‘risk’ of ratifying the Rome Statute” (Simmons and Danner 2010: 252). Furthermore, ratification influenced behaviour: the least democratic governments were almost eight times more likely to terminate a violent conflict if they had ratified the ICC statute, apparently because of the real threat of prosecution for war crimes (Simmons and Danner 2010). Thus, "the idea that ratification is purely symbolic does not square with the facts" (Simmons and Danner 2010: 253).

The ICC has been effective in conducting successful investigations, indicting alleged criminals for committing mass atrocities, and bringing them to trial—demonstrating that the ICC is not a paper tiger and adoption and ratification is not an empty gesture by politicians to placate the international community. The ICC is bringing criminals to justice in cases covering Uganda, the Democratic Republic of Congo, Darfur/Sudan, and the Central African Republic. The Court is currently trying Thomas Lubanga, the founder of the United Congolese Patriots—an organization that perpetrated war crimes, kidnapping and forced children to participate in armed conflicts (International Criminal Court 2011). The Court is currently trying Germain Katanga, former leader of the Patriotic Resistance Force in Ituri, and his senior commander, Mathieu Ngudjolo Chui, for war crimes and crimes against humanity (International Criminal
International Public Policy Review

The Court is currently trying Jean-Pierre Bemba Gombo, former Vice-President and one of the richest men in the Democratic Republic of the Congo, for war crimes and crimes against humanity (International Criminal Court 2011). The ICC has indicted Joseph Kony, the Ugandan head of the rebel Lord’s Resistance Army (LRA) for crimes including murder, abduction, mutilation, sexual enslavement of women and children, and the conscription of child soldiers (International Criminal Court 2011). Sudanese President Omar al-Bashir, the first sitting head of state to face ICC charges, has been indicted for war crimes and crimes against humanity in Darfur (International Criminal Court 2011).

Thus, the Rome Statute provides a model of the process by which African leaders may be compelled, through international pressure, to sign and ratify a protocol that would expand the scope of the UNCAC to permit investigations led by UN inspectors of alleged acts of corruption committed by public officials in African nations. A recent book-length analysis found that international nongovernmental agencies (NGOs) created a powerful coalition and were influential in obtaining passage and ratification of the Rome Statute (Struett 2008). Organizations such as Amnesty International were particularly effective because of the recognition by domestic leaders that these organizations could mobilize voters, thereby threatening the survival of any leader opposed to the Statute. NGOs such as Amnesty International set the terms of the debate, framed the passage of the Statute as a moral issue, and compelled domestic leaders to adopt the Statute or face public condemnation.

By obtaining early ratifications from a coalition of nations that favoured the Statute, pressure was brought to bear on holdouts, which then became more willing to ratify the treaty because their neighbours were doing so. For example, one of the last holdouts, Uganda, ratified the treaty on June 14, 2002, as a direct result of pressure from other governments, human rights NGOs, and humanitarian relief organizations to improve Uganda's record on human rights (Struett 2008). Ugandan government officials believed that this action would improve Uganda's reputation within the international community and would maintain international support for concessions regarding aid, trade, and debt relief (Struett 2008).

After an international treaty has been signed and ratified, African leaders may attempt to obstruct investigations and warrants issued to arrest powerful figures. However, the
examples cited above suggest that the ICC has been remarkably successful in bringing even the most powerful individuals to justice, despite the dominance of African executives over the legislative and judicial branches in African nations.

There is ample evidence that African leaders can be pressured to sign laws establishing institutions that are empowered to investigate misconduct by government officials. Significantly, 26 African countries have already created institutions such as the Ombudsman in Malawi and the Public Complaints Commission in Nigeria that investigate citizen complaints regarding government officials (Adamolekun 2005). About 30 African countries have created dedicated anticorruption agencies modelled after Hong Kong's Independent Commission Against Corruption (Adamolekun 2005). The role of these institutions is similar to the role proposed for UN inspectors. The creation of these institutions in each country resulted either from the election of a reform-oriented president or pressure from reform-oriented civil groups seeking to install checks and balances to counter official misconduct. The popularity and growth of these institutions throughout Africa suggests that it may be difficult even for reluctant African leaders to resist pressure to sign a protocol permitting UN inspections. At the same time, widespread acknowledgement that the effectiveness of domestic anticorruption institutions has been undermined by the executive branch suggests why reform-oriented groups may wish to exert pressure to sign a protocol permitting UN inspections.

3 Hathaway's Theory of International Law

Hathaway’s theory of international law may be applied to understand why African leaders might commit to an international agreement establishing UN inspections (Hathaway 2005). Central to Hathaway’s theory is the recognition that state behaviour is the result of complex interactions between political players at the domestic level. These players respond to an array of conflicting incentives and pressures exerted by the electorate; interest groups; powerful elites, including appointed and elected officials; legislators; the legal and judicial system, including police, prosecutors, and anticorruption units; the media and public perceptions created by the media; competitors and potential successors; tribal kin; multinational corporations; international financial institutions, including the International Monetary Fund and the
World Bank; UNCAC and the AUCPCC; Transparency International; and other international institutions.

In general, patrimonial networks create incentives and pressure to resist UN inspections, while international corporations, international financial institutions, conventions against corruption, Transparency International, the media, the electorate, the G-8 countries, and honest members of law enforcement and the legal system create incentives and pressure favouring the type of accountability that would be exerted by independent UN inspections. Thus, an African leader’s likely commitment to UN inspections depends on a complex calculation of the political benefits and costs. For example, a corrupt leader might judge that the media, IMF and World Bank would turn against him--that it would be politically costly and that the electorate would oust him at the next election--if he did not sign an agreement permitting investigations under the auspices of the UN. Since African leaders routinely compete based on promises to fight corruption, history suggests that support for UN inspections would likely become a popular election issue and could force the incumbent as well as his (or her) challengers to declare their support for this type of anticorruption measure.

**Anticorruption Coalition Uganda**

Anti Corruption Coalition Uganda (ACCU), established in 1999, is a civil society organization comprised of twelve regional anti-corruption coalitions that coordinate Ugandan and international organizations including Transparency International (TI), ActionAid, Oxfam Great Britain, World Vision, and the Human Rights Network (HURINET), as well as religious leaders, political leaders, academics, and representatives of the media, youth, and women seeking to promote transparency and accountability and fight corruption (Baker 2009). ACCU is a model of the type of anticorruption coalition that is spreading throughout African nations and potentially could pressure African leaders into signing a protocol permitting UN inspections.

In 2003, ACCU began a campaign to enact legislation that would limit the government's ability to deny access to information possessed by the government. The legal right of access to information was already enshrined in Uganda's constitution, but the government had taken advantage of language in the constitution that created exceptions where information was deemed likely to prejudice national security or
individual privacy. Legislation was needed to spell out the nature of the exceptions that would be permitted so that the government could not shield itself from inquiries about information that could prove to be embarrassing, such as information indicating corrupt misuse of official powers. ACCU demanded that a bill be enacted within six months (Baker 2009). ACCU targeted its efforts toward Nsaba Buturo, the Minister of State for Information, since the Ministry of Information was responsible for sending the bill to parliament (Baker 2009). The ACCU also targeted secondary government institutions and officials who could pressure Buturo. The ACCU targeted the Inspector General of Government, who is empowered to investigate allegations of corruption; the Minister of State for Ethics and Integrity, who drafted the bill; the Speaker of Parliament, who determines the parliamentary agenda; and the Vice-President, who works closely with the Minister of State for Information (Baker 2009). By targeting these individuals, ACCU applied pressure to support the passage of the bill.

ACCU galvanized support for the bill from across Uganda, including the Boys and Girls Brigade of Uganda (BGBU), the Uganda National Students Association (UNSA), Uganda Women Together for Development (UWOTODEV), Jubilee Plus – Uganda, the International Anti-corruption Theatrical Movement (IATM), the Network of Professional Organisations (NEPRO), Steadfast Peace, Africa Parliamentarians Network Against Corruption (APNAC), and the Young Parliamentary Association (YPA) (Baker 2009). ACCU galvanized public support through supplements printed in regional and national newspapers and events such as Anti-Corruption Week, a week of activities involving public participation, including a press conference aired nationwide over 27 radio talk shows and two TV stations, pre-recorded talk shows, audio skits, and public service messages regarding the importance of freedom of access to information. Marches and rallies were held in Kampala's Constitutional Square, presided over by the Inspector General of Government. INFOC-Uganda organized a national conference that opened with a speech from the Minister of State for Ethics and Integrity. At this conference, 200 delegates from government, parliament, and civil society shared their experiences in attempting to obtain information from the government. Public discussions regarding corruption and the difficulty of obtaining information were organized across Uganda. UNSA conducted school debate competitions in which the topic was the need for access to information and its importance as a tool for fighting corruption. Choirs from schools across the nation
composed and performed anticorruption songs, some of which were professionally produced on CDs and distributed to radio stations that played them daily. Theatre productions, books and brochures, religious sermons, petitions, and the Anti-Corruption Soccer Cup tournament rounded out the comprehensive campaign to raise awareness and support of the bill.

By the closing ceremonies of Anti-Corruption Week, the Minister of State for Information, who was the primary target of the campaign, was compelled to issue a statement committing the Ministry to present the bill to parliament (Baker 2009). The bill was passed and signed by the president in July 2005 (Baker 2009). Thus, Uganda represents a clear example of the growing capacity and enthusiasm of Africans to organize anticorruption coalitions that arouse broad support and create enormous pressure on government leaders to enact anticorruption legislation. Nor is Uganda an isolated example.

**Ghana Anti-Corruption Coalition**

The Ghana Anti-Corruption Coalition (GACC), established in 1999, brings together a variety of governmental and nongovernmental organizations, anticorruption agencies, religious groups, media representatives, legal practitioners and individuals committed to reform. It includes the Serious Fraud Office (SFO), the Commission on Human Rights and Administrative Justice (CHRAJ), the Institute of Economic Affairs, the Private Enterprise Foundation, the Center for Democratic Development (CDD), the National Institutional Renewal Program (an office directly under the President in charge of Ghana’s public sector reform agenda), the Ghana Journalists Association, and the Ghana Integrity Initiative, which is the local chapter of Transparency International. GACC serves as the primary organization for the implementation of Ghana’s anticorruption plan and sponsors appropriate legal and institutional reforms. GACC has prepared an action plan that includes freedom of information and whistleblower legislation.

While the GACC represents yet one more example of the capacity of Africans to organize in support of anticorruption legislation, it is also representative of the serious challenges facing this type of coalition. GACC depends on foreign donors and, thus, is better suited as a time-limited organization that can galvanize public support for key
legislative reforms, along with the donations that would support fundamental reforms, but then phase itself out of existence in favour of anticorruption agencies that have permanent funding. For example, the GACC could be effective in pressuring Ghana's leaders to enact legislation that would permit UN inspections. Once UN inspections are permitted, UN inspectors could provide on-going, institutionalized capacity to investigate and deter the type of corruption that currently undermines the effectiveness of the SFO, police, prosecutors and the judicial system in fighting corruption. This would bolster the effectiveness of the domestic agencies that normally deter corruption.

4 Further Evidence From Africa

Consistent with Hathaway's theory, evidence from Africa suggests that there is indeed a balance of power among political players within each country that would shape the willingness of an African leader to sign a protocol permitting UN inspections. Two cases, from Zambia and Benin, suggest that reform-oriented players potentially can influence even the most corrupt African leaders to submit to public pressure. In both cases, African leaders sought to extend their rule by altering the national constitutions. However, reform-oriented coalitions created public pressure to defeat these attempts.

This suggests that the success of any potential campaign to pressure an African leader into signing a protocol permitting UN inspections would depend on identifying the key political players and their preferences within each country in order to build or strengthen similar reform-oriented coalitions. Thus, it is significant that an investigation of Benin, Ethiopia, Tanzania, Malawi, Kenya, Ghana and Uganda identified key political players and their preferences with regard to anticorruption reforms within their respective countries, and quantified their bargaining power (Haarhuis and Torenvlied 2006). I use the results of this investigation to identify reform-oriented coalitions in each of these countries that potentially could be recruited to campaign for enactment of a UN protocol permitting inspections.

Zambia and Benin

In Zambia, President Frederick Chiluba sought to change the country's constitution to permit him to run for a third term of office (Chella and Kabanda 2008). Chiluba and
his supporters established an Office of District Administrators staffed with party cadres who beat and intimidated opponents of this change. Activists, including attorneys, religious leaders, women's organizations, youth groups, human rights leaders, trade unions, and individual members of parliament (MPs), including 22 members of the leading political party, established the Oasis Forum to mobilize opposition to the plan. Clerics organized prayer meetings, MPs lobbied colleagues and wrote articles for the independent press, and lawyers and others staged debates and discussions. Popular campaigns recruited ordinary citizens to blow whistles, honk their car horns, and wear green ribbons to show their disapproval of Chiluba's plan. These demonstrations of disapproval were effective, causing Chiluba to renounce his plan only weeks after the campaign began.

In Benin, President Mathieu Kérékou sought to change Benin's constitution to enable him to serve a third term. A coalition of civil society organizations launched a campaign to oppose the changes, titled, "Touches pas ma Constitution" (Don't touch my Constitution). The campaign highlighted the dangers of a third term and gained the support of members of parliament and the ruling party. As a result of the campaign, Kérékou withdrew his bid for a third term. In Benin, government ministers and government agencies resist anticorruption reforms. However, reforms are supported by the anticorruption commission, members of the parliamentary opposition, and civil society organizations led by the Front des Organisations Nationales Anti-Corruption (FONAC), which is an association to coordinate, inspire and support anticorruption initiatives in partnership with the country’s public institutions, suggesting that these groups potentially could be recruited to campaign for Benin's enactment of a UN protocol permitting inspections.

These examples are indicative of reform-oriented anticorruption coalitions in many African countries that potentially could pressure African presidents to support UN inspections. The examples suggest specific conditions that tend to promote reform: a.) framing the issue in terms of principles of good governance, b.) arousing public awareness in a way that forces a presidential decision, c.) mobilizing broad support by a network of activists, the media, and sympathetic members of parliament, and d.) forcing the president to announce his decision in a public forum.
Just as significant are the conditions that were not necessary to achieve the reformers’ objectives: a.) a change in leadership through competitive democratic elections, b.) new laws against corruption, c.) strengthened domestic institutions, d.) reforms of the police, judiciary, and anticorruption units, e.) privatization and economic liberalization to build the strength of the middle class to demand property rights and rule of law, and f.) education of the public with regard to the evils of corruption. While changes in these areas may be helpful, they are likely to be difficult, and it may be more fruitful to frame an issue in terms of good governance, arouse public support, mobilize a broad network, and force the president to announce his decision in a public forum.

**Ethiopia**

In Ethiopia, the government and ruling party are resistant to anticorruption reforms but a coalition composed of legal professionals, civil society, the media, the private sector, and the judiciary press for reform and potentially could be recruited to campaign for Ethiopia’s enactment of a UN protocol permitting inspections (Haarhuis and Torenvlied 2006).

**Tanzania**

In Tanzania, the majority of the ruling party and the business sector are resistant to anticorruption reforms but a coalition composed of civil society, the media, and donors support reform and potentially could be recruited to campaign for Tanzania’s enactment of a UN protocol permitting inspections (Haarhuis and Torenvlied 2006).

**Malawi**

In Malawi, conservative actors resist anticorruption reforms, while the president, parliament, public prosecutor, judiciary, and donors are relatively neutral (Haarhuis and Torenvlied 2006). However, a coalition composed of civil society and the anticorruption bureau supports reform and potentially could be recruited to campaign for Malawi’s enactment of a UN protocol permitting inspections.

**Kenya**

In Kenya, the government resists anticorruption reforms, while the president, judiciary, ruling party, finance department, enforcement agency, media, and the anti-
corruption agency are relatively neutral (Haarhuis and Torenvlied 2006). However, a coalition composed of the parliamentary opposition, civil society and the donor community (notably the IMF and the World Bank) form a weak, reform-oriented coalition and potentially could be recruited to support Kenya's enactment of a UN protocol permitting inspections.

Ghana

In Ghana, the government, president and ruling party resist anticorruption reforms, while donors, the media, civil society and the private sector take a moderate position or are less involved in the corruption debate (Haarhuis and Torenvlied 2006). However, a reform-oriented coalition composed of anti-corruption agencies, the parliamentary opposition and the Ghana Anti Corruption Coalition (GACC) potentially could be recruited to support Ghana's enactment of a UN protocol permitting inspections.

Uganda

In Uganda, the government and president resist anticorruption reforms, while the ruling party takes a more moderate position (Haarhuis and Torenvlied 2006). Uganda's civil society, parliamentary opposition, media and donor community are relatively neutral but the Auditor General, the Directorate of Ethics and Integrity (a ministry), and the Inspector General of the Government (IGG) constitute a strong reform-oriented coalition that could be expected to support Uganda's enactment of a UN protocol permitting inspections.

Mali

In Mali, in addition to government efforts, four civil society groups have been established to fight corruption: the National Observatory for the Fight Against Corruption; the Centre of Studies, Reflection, Sensitization on Corruption and Poverty in Mali; the Alliance for Transparency in Mali (the Malian branch of Transparency International); and the Malian Network of Journalists for the Fight Against Corruption and Poverty. A coalition composed of these anticorruption groups, the media and the donor community potentially could be recruited to support Mali's enactment of a UN protocol permitting inspections.
Significance

What is significant about the examples given above is that, in each country, active anticorruption coalitions already exist and potentially could be recruited to pressure their national leaders into signing a UN protocol that would permit inspections led by UN inspectors. UN inspections for the purpose of investigating alleged acts of corruption may well be viewed by activists, the media, the public, and many members of parliament as a desirable innovation to fight corruption and promote good governance. Presenting African leaders with a protocol that would permit UN inspections and forcing these leaders to make a public decision about signing it would create a public litmus test of their commitment to good governance. Widespread outrage about corruption in almost every African country suggests that a president's refusal to sign this type of protocol may generate the same type of popular opposition that was so effective in Zambia and Benin in forcing their presidents to reverse course.

5 An On-going Struggle

It is useful to view anticorruption reform in Africa as an on-going struggle among multiple political players, with anticorruption agencies and reform coalitions battling against powerful adversaries who seek to neutralize or co-opt them. No African anticorruption agency has successfully established itself against determined domination by the executive branch. However, some have been relatively more successful than others. Thus, it is useful to review the experience of Nigeria's Economic and Financial Crimes Commission (EFCC), one of the more successful anticorruption agencies. This review suggests that the EFCC achieved initial success but lack of international support at the decisive point when the executive branch removed the head of the EFCC tipped the balance against the agency. While the result is discouraging, a lesson may be drawn regarding the potential for international agencies to alter the balance of power in the struggle for reform in countries such as Nigeria.

Nigeria's EFCC was established in 2002, after the election of President Olusegun Obasanjo, with a mandate to prevent, investigate and prosecute a range of financial crimes, including governmental corruption. In 2005, the EFCC investigated all of the country's 36 powerful state governors, asserting that almost all were corrupt (Lawson
By November, 2006, five had been impeached and charged with corruption (Lawson 2009). By April 2008, the EFCC had secured 250 convictions, including a chief of police, a governor, and a minister, and recovered $5 billion in stolen public funds (Economic and Financial Crimes Commission 2008).

However, the government had already begun to strike back at the EFCC. In August 2007, Attorney General Michael Aondoakaa announced that the independent prosecutorial powers granted to the EFCC were unconstitutional, and all future prosecutions would need to be vetted by his office (Lawson 2009). This blocked the EFCC's prosecution of former Governors Joshua Dariye and Orji Uzor Kalu (Lawson 2009). In December, the EFCC arrested former Governors Ayodele Fayose and James Ibori, a well-connected, powerful supporter of President Yar' Adua (All Africa 2007).

The government struck back by quickly announcing that the EFCC, Independent Corrupt Practices Commission (ICPC) and the Code of Conduct Bureau (CCB) would be merged, followed by a second announcement that EFCC's director, Mallam Nuhu Ribadu, had been reassigned to attend a one year policy and strategic studies course in central Nigeria (Bello 2007; Omonobi and Ulayi 2007). Within a year, Ribadu was demoted along with 139 other police officers, then dismissed and driven into exile. An EFCC official told Human Rights Watch that these moves were intended to undermine the independence of the EFCC and halt the investigation and prosecution of former governors (Human Rights Watch 2008).

Ribadu had done everything within his power to institutionalize the EFCC. He obtained a $5 million grant from the World Bank, permitting the EFCC to target political corruption at the highest levels without fear of the financial consequences to his agency (Lawson 2009). He established international links among EFCC and INTERPOL, the United Kingdom's Metropolitan Police, the US Federal Bureau of Investigation, the Canadian Mounted Police, and South Africa's Scorpions, extending the EFCC's capacity to investigate corruption (Lawson 2009). Through his efforts, a coalition of civic groups agreed to mobilize 500 lawyers, including 25 Senior Advocates, to support EFCC prosecutions of corrupt officials (Lawson 2009). However, even these dedicated efforts were insufficient to protect the EFCC.

Ribadu appealed to international actors, including the World Bank, to support and protect the efforts of the anticorruption agencies and send a strong message to African
leaders that the world is watching. Would Ribadu have supported a UN protocol permitting UN inspections? If this protocol had been enacted by Nigeria prior to August 2007, he potentially could have asked the UN to initiate an investigation of his dismissal and demotion as acts of corruption intended to halt the EFCC’s investigations of former governors. In this way, the enactment of the proposed UN protocol could have served to support and protect the efforts of Nigeria's anticorruption agencies. However, in the absence of this type of protection, reform efforts in Nigeria and elsewhere in Africa remain subject to domination and manipulation by the executive branch. If international agencies wish to change the balance of power in the struggle for anticorruption reform, it appears that they will need to exert their influence in a way that protects domestic anticorruption agencies from the predations of the executive branch.

6 Peer Review and the APRM

Would UN inspections have teeth? Under the proposed UNCAC protocol, trials would be conducted by domestic courts. Thus, the UN would have no power to convict, sentence and imprison suspects (other than the temporary detention of suspects before they are handed over for trial). This separation of powers would help to ensure that the powers of investigation are not abused. However, the lack of power to convict and sentence suspects is a potential weakness that could be exploited by corrupt African leaders.

UN inspections, however, would not occur in a vacuum. Any interference with prosecutions and the courts would itself be a major crime subject to investigation as an act of corruption. Procedures may be designed so that repeated instances would be brought to the attention of the international community through reports filed with Transparency International, and this could be expected to adversely affect Transparency International and African Peer Review ratings, triggering financial sanctions by donors, the World Bank, and the IMF, flight of foreign investment, adverse media publicity and erosion of electoral support that could unseat corrupt incumbents.

The African Peer Review Mechanism (APRM) represents a promising avenue for international agencies to exert their influence. African leaders, acknowledging the
failure of public institutions that have been captured by elites to serve narrow personal interests, resulting in corruption, a lack of accountability and poor governance, have agreed to subject their countries to peer review (Hope Sr. 2005). The African Peer Review Mechanism (APRM) is being used to assess the performance of African countries with regard to compliance with the Declaration on Democracy, Political, Economic and Corporate Governance that was approved by the African Union (AU) Summit in July 2002 (NEPAD Secretariat 2003). This Declaration commits the member states of the AU to improve accountability and governance, to "undertake to combat and eradicate corruption," and to participate in the APRM process (NEPAD Secretariat 2003: 3-4). The significance of this commitment to the APRM process is that it suggests how and why African countries might embrace changes that improve accountability and governance, perhaps including intrusive inspections.

As of July 2008, 29 countries had formally joined the APRM by signing the APRM Memorandum of Understanding: Algeria, Angola, Benin, Burkina Faso, Cameroon, Djibouti, Egypt, Ethiopia, Gabon, Ghana, Kenya, Lesotho, Malawi, Mali, Mauritania, Mauritius, Mozambique, Nigeria, Republic of Congo, Rwanda, Sao Tome & Principe, Senegal, Sierra Leone, South Africa, Sudan, Tanzania, Togo, Uganda and Zambia. As of April, 2009, 10 countries have been peer reviewed.

Through the peer review assessments, African countries have agreed to fight corruption, strengthen their institutions, adopt market-oriented policies, respect human rights and the rule of law, and spend more on the needs of the poor (Hope Sr. 2005). These commitments have been reinforced by the commitment of G8 countries, through the G8 Africa Action Plan, to provide substantial financial support through trade, aid, investment, and debt relief (Hope Sr. 2005). For example, the Millennium Challenge Account (MCA), funded by an annual increase of $1 billion in U.S. development aid, will be disbursed based on performance criteria including the control of corruption, accountability, and government effectiveness (Hope Sr. 2005). Furthermore, it is expected that private capital flows will be attracted by APRM member commitments that will reduce the risk of investing in Africa. Thus, there are substantial tangible benefits of participating in the APRM process and abiding by APR review team recommendations. African leaders who refuse to abide by those recommendations will cause their countries to lose valuable aid and investments. The resulting adverse
publicity would serve as electoral fodder for opposition candidates who potentially could unseat corrupt incumbents.

Thus, the APRM process potentially provides a powerful mechanism that could pressure African leaders, even corrupt leaders, to agree to visits by international inspectors sanctioned by the United Nations and the African Union through the creation of international inspections—if this were to be a recommendation of an APR review team. Refusal of such a recommendation, or attempts to delay or undermine inspectors, would trigger adverse publicity that would threaten valuable MCA aid and private capital investments, and arm opposition candidates with ammunition that could be used to unseat corrupt leaders. Once inspectors are permitted to conduct inspections, they may provide the ammunition needed by prosecutors to root out corruption across each branch and at every level of government. The APRM potentially provides leverage to open the door to inspectors who could then vigorously prosecute corruption.

Surveys of African citizens routinely find strong support for the fight against corruption and new leaders are frequently elected on the basis of promises to fight corruption (Stapenhurst and Kpundeh 1999). Thus, it may not be difficult to make commitment to participate in international inspections an election issue that would compel incumbents and opposition candidates to publicly announce their support. Failure to follow through on these commitments would risk public censure and removal at the next election. Significantly, a natural experiment tested the effect of an anti-corruption program in Brazil and found that a one standard deviation increase in mayoral corruption, disclosed through random audits of municipal expenditures and posted on the internet, reduced the likelihood that an incumbent mayor would be re-elected by 25 percent (Finan 2006). The implementation of a system of UN inspections and the publication of reports regarding corrupt practices might be expected to have a similar influence on elections in Africa.

7 World Bank and IMF Policies

The World Bank's Articles of Agreement prohibit the Bank from making lending decisions on any but economic criteria and from interfering in the political affairs of member countries (Thomas 2007). In 1990, however, the World Bank's general
counsel drafted a legal memorandum that permitted exceptions where the Bank could show a 'preponderant' economic impact of a political factor as a result of objective analysis (Thomas 2007). This permitted the new President, Paul Wolfowitz, to condition Bank loans to African countries on progress in fighting corruption. He used this authority to suspend key loans over concerns about borrower corruption (Thomas 2007). By 2005, 48 percent of all Bank loans were made conditional on improvements to the quality of governance, suggesting the wry observation that "The Bank for Reconstruction and Development has become the Bank for Good Governance" (Thomas 2007: 730).

The Bank's interpretation of its mandate and its record in tying loans to improvements in governance suggests that, despite the prohibition against interfering in the political affairs of its members, the World Bank could, in principle, condition its loans on indicators of governance such as enactment of a protocol that would permit UN inspections. This could be justified as a necessary step in checking the corruption that undermines economic growth, since numerous objective studies document the corrosive impact of corruption on growth (Gyimah-Brepong 2002; Mauro 1995; Méndez and Sepúlveda 2006; Méon and Sekkat 2005; Mo 2001; Pelligrini and Gerlagh 2004; us Swaleheen and Stansel 2007). While this type of condition could exert strong pressure on African leaders to sign such a protocol and could arguably contribute toward the Bank's stated goal of reducing corruption and improving economic conditions, the Bank has, in practice, adopted a schizophrenic stance where operational staff are loath to specify any condition as precise as the enactment of a protocol permitting UN inspections. Presumably, the Bank wishes to avoid interfering in the political affairs of member countries. Thus, loan recipients must guess at the particular steps that they must take in order to demonstrate good faith progress toward the Bank's condition that loans are contingent on improvements in the quality of governance (Easterly 2006).

While the IMF's mandate is not as restrictive as the World Bank's, in practice the IMF's policies are very similar. Both the IMF and the World Bank require loan recipients to complete Poverty Reduction Strategy Papers (PRSP) that are used to judge the recipients' progress in meeting IMF and World Bank loan conditions, but fail to specify the precise steps necessary to fulfil those conditions (Easterly 2006). There
is a need to revisit the assumptions underlying this policy of ambiguity so that loan conditionality can be applied more productively to foster the needed changes in African governance.

8 African Parliamentarians Network Against Corruption

Parliamentary legislators from 20 African nations have formed an organization dedicated to the fight against corruption. The African Parliamentarians Network Against Corruption (APNAC) includes chapters in Benin, Burkina Faso, Chad, Cameroon, DRC, Gambia, Ghana, Kenya, Liberia, Malawi, Mali, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Tanzania, Uganda, Zambia and Zimbabwe (African Parliamentarians Network Against Corruption 2009b). APNAC members work with Transparency International and other civil organizations to share their experiences and lessons in fighting corruption. APNAC asserts that it has contributed to the resignation on moral grounds of multiple senior government officers who were arrested for involvement in corrupt practices (African Parliamentarians Network Against Corruption 2009a). Perhaps most significantly, APNAC members have led efforts resulting in constitutional reforms and the enactment of anticorruption legislation in almost all African countries. Liberal democratic constitutions have been passed in countries including Benin, Mali, South Africa, Ghana, Malawi and Nigeria (Gyimah-Boadi 2004). However, APNAC's outgoing chairman noted that "the executive domination of parliaments, particularly where the ruling party was not seriously fighting corruption, posed a major problem for parliaments to fight corruption effectively" (African Parliamentarians Network Against Corruption 2009a).

Manipulation of government appointments and favours is used to discipline and intimidate legislators and judges. Leaders reward loyal legislators by promoting them to lucrative ministerial positions or undercut reformers through trumped up charges of corruption (Mohiddin 2008). In this way, African leaders use their political and economic power to co-opt and neutralize potential rivals as well as reform-oriented legislators or judges (Mohiddin 2008). Currently, APNAC and reformist legislators and judges have no recourse except to appeal to legislative bodies and courts that are packed with the president's loyal supporters. However, the establishment of UN inspectors would permit APNAC and any legislator or judge to request investigations of presidential manipulations of official appointments, thereby deterring and checking
this form of corruption. For this reason, it seems likely that APNAC may support legislation authorizing UN inspections. The significance is that the support of key legislators would undoubtedly be crucial in pressuring African leaders to sign such a protocol.

9 International Commission of Jurists

The International Commission of Jurists (ICJ) is a worldwide network of judges and lawyers that promote the rule of law. The ICJ is composed of 60 eminent jurists elected by its members, and includes many of the world's most prominent jurists. The membership includes jurists in 70 countries, and involves 37 national sections and 45 affiliated organizations. The ICJ mobilizes its authority and expertise to command attention at the highest levels of the judiciary, legislature and government.

In December 2004, for example, the ICJ sent a high-level mission to Kenya led by Ugandan Supreme Court Justice George W. Kanyeihamba to investigate the Kenyan government's drive against judicial corruption. The Commission's report, issued in April 2005, found that the government's drive weakened the ability of the judiciary to check executive powers and reinforced the dominance of the executive over the judiciary (International Commission of Jurists 2005). The ICJ called on the government and the judiciary of Kenya to implement a package of 42 recommendations to overcome the legacy of executive dominance over the judiciary and to firmly establish the independence of the judiciary. In particular, the ICJ recommended reforms so the judiciary is not treated like a department of the executive branch.

The challenge, however, is that there is no mechanism to enforce the ICJ's recommendations. In contrast, the establishment of UN inspectors would permit judges to request investigations of politically motivated arrests and sanctions, thereby serving a watchdog function to deter corrupt manipulation by the executive branch. In this way, the independence of the judiciary would be reinforced, permitting judges to perform their role in checking executive power. Thus, the ICJ may support a protocol authorizing UN inspections. The significance is that the support of the ICJ and prominent jurists would be important in pressuring African leaders to sign such a protocol.
10 The Media And Public Demands For Reform

Prior to the 1990s, the media in Africa were largely state-owned monopolies and functioned as state organs. However, Africa's transition during the 1990s to democracies characterized by competitive multiparty elections was accompanied by the development and growth of independent, plural media. With the exception of Angola, Eritrea, and Zimbabwe, most African nations now allow the operation of independent radio stations (Blankson 2007). Mali, for example, has over 30 radio stations (Blankson 2007). Ghana has over 50 private radio stations and five television stations, in addition to state-owned media (Blankson 2007). Kenya awarded eight radio licenses to private broadcasters between December 1998 and March 1999 (Blankson 2007). Lesotho opened 5 private and 1 Christian radio station between 1993 and 2004 (Blankson 2007). Independent radio is widely credited with the relatively honest elections in Senegal and Ghana in 2000 (Gyimah-Boadi 2004).

The development of Africa's independent media is a consequence of both external and internal pressure to democratize and liberalize African governance. The World Bank, IMF and donor agencies applied external pressure by linking aid and concessionary loans to demands for greater transparency, accountability, and a free press. Internal pressure was exerted by trade unions, student activists and the academic community through organized protests and conferences demanding democracy and freedom of speech.

Africa's independent media have developed both capacity and an appetite for investigative reporting of alleged corruption and misuse of official power. Through their reporting, many independent stations are setting the agenda for investigative bodies to take up cases of corruption (Blankson 2007). In Nigeria, for example, the investigative efforts of Tayo Odunlami of the News led to the removal of the former speaker of the House of Representatives, Alhaji Ibrahim Buhari, who had presented falsified credentials to the House (Blankson 2007). In Ghana, Joy FM radio exposed the misappropriation of state funds by Ghana's Social Security and National Insurance Trust (Blankson 2007). In Chad, Daniel Bekoutou's investigative work revealed evidence of political killings, torture, and the disappearances of opposition members during the presidency of Hissain Habre (Blankson 2007). Through their investigative
reporting, Africa's media are exposing corruption, fostering transparency, and holding officials accountable for their decisions and actions (Blankson 2007).

The independence of the media, however, is vulnerable to manipulation by powerful African elites. African governments use libel, sedition, and antiterrorism laws to intimidate journalists and undermine efforts to expose corruption (Tettey 2002). Journalists who investigate corruption risk arrest, beatings or death (Blankson 2007). In Burkina Faso, a journalist was allegedly murdered on the instructions of the brother of the president (Blankson 2007). Terms of imprisonment for journalists convicted of libel range up to 20 years.

Repressive African governments have rammed legislation through weak parliamentary bodies that takes direct aim at the capacity of the media to provide an effective check on corruption. Namibia's 1996 Powers, Privileges and Immunities Act grants enormous powers to force reporters to reveal their sources of information; Botswana's Mass Media Communications Bill empowers the police to seize any broadcast material believed to contravene the law; and Swaziland's 1997 Media Council Bill empowers the government to enforce a code of ethics drafted by the government (Ocitti 1999).

In many cases, laws are being created or enforced in ways that are unconstitutional. However, journalists currently have little recourse, except for the unappetizing prospect of appealing to corrupt police, prosecutors and judges for justice. Once again, the complete domination of political and economic power by the executive branch trumps nascent attempts to bring a measure of transparency and accountability to African governments.

If African leaders could be pressured to sign laws empowering UN inspectors to investigate corruption, journalists would then be able to request independent investigations into politically motivated arrests and beatings, as well as the neopatrimonial system whereby favours are doled out to supporters in parliament, the judiciary and police. Exposure of this corruption could provide the leverage to oust corrupt individuals and replace them with independent-minded reformers who are not easily bought and, therefore, are more likely to serve the public interest and promote good governance, including the repeal of repressive laws that are being used to neuter
the media's capacity for investigative reporting. Thus, it seems likely that the media would support a protocol authorizing UN inspections. The significance is that the support of the media would be important in galvanizing public awareness and pressuring African leaders to sign such a protocol.

11 Conclusion

This article has outlined a theory of anticorruption reform in sub-Saharan Africa. This theory posits that the UN has the authority, under the UN Convention Against Corruption, to establish the capacity for UN inspectors to respond to requests for investigations into allegations of corruption. A proposed protocol to the Convention would, upon the signature of African leaders, permit African citizens to request an investigation led by UN inspectors into allegations of corruption. Evidence presented above suggests why African leaders might be compelled by broad public support to sign this protocol and to permit UN inspections. While African leaders might balk at signing a protocol authorizing UN inspections, it might be difficult for them to refuse if the protocol is framed as a public litmus test of their commitment to fight corruption, and in the face of the type of public campaign that was waged in Uganda in support of Uganda's freedom of information act. It seems unlikely that a president would be able to refuse in the face of an aroused nation, with the support of key legislators, the World Bank, IMF, ICJ and prominent jurists, the media, and recommendations of African peer reviewers through the APRM review process. While the reactions of these elements of civil society to a protocol authorizing UN inspections cannot be known with certainty, what is currently known about their motivations suggests that the response may be supportive.

Once inspectors are permitted to enter a country, it may be difficult to deny them access to individuals who observe and have knowledge of corruption and wish to provide testimony and evidence that would convict and remove corrupt individuals from positions of authority. A protocol that authorizes wiretaps, recorded conversations, interrogations and seizures of evidence, in the hands of inspectors who are largely immune to pressure from corrupt officials, may dramatically alter calculations by corrupt individuals of the risks of participating in acts of corruption. The theory presented here suggests that independent investigators could dramatically
reduce corruption, promote good governance, the rule of law and property rights, and thereby foster economic, social and political development in sub-Saharan Africa.

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