LOOKING FORWARD
WHICH WAY FOR EASTERN AFRICA? | 2016
The challenges facing Eastern Africa such as rampant corruption, fraudulent elections, women rights violations and poor health service delivery seem to overshadow the region’s opportunities. These opportunities lie in the democratic dividend of a conscientious, youthful and energetic population, faster adoption of technology, free flow of information, rapidly growing economies and greater international interest in the continent. Underlying and underwriting this dividend is the adoption, activation and animation of open society principles and values.

Election fraud and violence remains a threat to the region’s peace and democracy. Over time, elections, which are supposed to usher in change, have, unfortunately, produced more suffering, apathy and disillusionment to citizens in some of the region’s states. In some cases, irregularities and malpractices have led to violent conflicts and grave crimes.

Leaders’ corrupt practices continue to impoverish the citizens they are supposed to emancipate. A majority of residents lack access to basic health, education and other essential services as a result of the unchecked looting by leaders.

Although the region has taken tremendous strides towards expanding opportunities for women, much remains to be done to remove the barriers women face in advancing in the social, economic and political spheres.

Women, who form more than half the region’s population, continue to be at risk of gender-based violence and continue to fight for equal access to opportunities in several spaces. Women’s issues are either ignored or “silenced” and often go unresolved.

The threat of terrorism has not only disrupted the stability of communities and nations but also diverted resources from development, threatening the enjoyment of civil liberties and fundamental rights in the guise of countering violent extremism.

Such an environment characterized by inequality threatens the pillars that are critical to sustaining an open society - constitutionalism, democracy and good governance. These must be defended wholeheartedly. The Open Society Initiative for Eastern Africa (OSIEA) is committed to this cause.

Working closely with change agents, individually or collectively, such as civil society, allies in government and governmental agencies, and other like-minded partners, OSIEA continues to support them to participate in matters that affect them and also demand fair treatment, access to services, and accountability from their leaders.

In this edition, these voices are amplified to remind us and the governments in the region of their inalienable duty and responsibility to be more accountable to the citizenry, and ensure access to justice for all.

MBURU GITU
Executive Director
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Sebolu is the Sotho word for a ‘spoilt thing’. It is a derogatory word used in Lesotho’s national language and vernacular to mean, among other things, corruption. Someone who is corrupt is described as being bobolu and people have deep disdain for such a person.

In most of Africa though, there are few similar words of such powerful home-grown cultural resonance. Indeed, the word ‘corruption’ doesn’t exist in many indigenous African languages. It never has - it wasn’t needed. The idea of stealing communal goods was literally taboo. The concept of shuffling papers in a government office in a far-off capital, ‘making good’ and then coming home rich and wearing the ‘corrupt’ tag is, however, more obscure. Indeed, the local son or daughter ‘made good’ who demonstrates generosity back in the village is often lionised. Generosity of heart, even to strangers, but especially to relatives (no matter how distant), is a quality much admired by Africans generally.
East Africa’s lingua franca, Kiswahili, gives us ufisadi (meaning corruption) or mfisadi (corrupt one); terms cleverly engineered post-independence. Ufisadi brings to mind ‘hyena-like’, derived from the reputation of the hyena, “fisi”, for being unscrupulous, greedy and ruthless. However, it does not have the same resonance for citizens of the region as sebolu does in Lesotho, which is one of the least corrupt African countries, according to Transparency International’s (TI’s) annual Corruption Perceptions Index (CPI) (Transparency International 2015).

That said, ‘perceptions of corruption’, or better put ‘perceptions of leaders involved in theft’, is one of the most resented attributes of officialdom to Africans at large. Recent research on the experiences and perceptions of Africans in 28 countries regarding corruption indicates that a majority - 58 percent - felt that corruption had increased over the last 12 months. And in 18 of the 28 countries, citizens felt their governments were doing badly in the fight against corruption. The report said that, despite these disappointing findings, the bright spots across the continent were in Botswana, Burkina Faso, Lesotho and Senegal. Citizens in these countries were some of the most positive in the region when discussing corruption (Transparency International and Afrobarometer 2015). In environments where corruption is systemic but lacks cultural resonance, creating a climate where social sanction can be applied against corrupt practices has been challenging. People understand the terms ‘theft’ and ‘thief’, but corruption is a modern and ambiguous concept to many Africans. As a Nuer elder once told me, “My daughter cannot be married into a family of thieves.”

The task therefore is two-fold: to embed a clear legal framework to deter and punish corruption, and to actually change the culture, so that the concept of corruption is both understood and recognised as anathema. The war against graft has reached the point where the shame and social sanctions directed against this kind of theft and thief need to be given greater prominence in the measures used to fight corruption. This applies especially in developing countries where its consequences can be - and often are - deadly. In its most compelling cultural form, the social sanction is about ensuring, for example, that the thief is too embarrassed to go to church on Sunday because of the looks they’ll get.

As such, the whole approach to corruption needs to be re-examined: from local cultural assumptions and preconceptions to the legal
conventions, constitutions, statutes and, especially, the prosecution-related instruments brought to bear on it at the national and global levels. Integral to this are the principles of legal authority and equality before the law. The equality component is essential: the rule of law must be seen to apply equally to all citizens without fear or favour, regardless of race, creed or class.

The following complementary but separate factors in a society are critical: culture, ethos, ethics and traditions, and legal processes and practices. Each derives its legitimacy from history and the traditional ways in which meaning is made. By their very nature, they are far more negotiable - existing as they do in a constant state of flux in a dynamic world. Our success depends on how effectively we bring and use them together in the fight against corruption. We do this cognisant of the fact that grand corruption, when compared to the drug trade, human trafficking, terrorism, finance and other global evils, is the most easily rationalisable major felonious activity on the planet.

The Global Anti-corruption Agenda

During the years 1993 to 2003, corruption was at the centre of the global development agenda. In 1993, Transparency International was founded. In the mid-to-late 1990s, corruption was adopted as a key development issue by multilateral and bilateral development institutions. This culminated, in 2003, in the drafting and ratification by a host of countries of the United Nations Convention Against Corruption (UNCAC) (UNODC 2015).

The following decade saw the rise of the BRIC nations and rapid economic growth across much of the developing world, as well as globalisation and its associated technologies assisting the expansion of trade and commerce. At the same time, the struggle against Islamic extremism captured the attention of policy makers in the international community. Alongside it, unfortunately, has also come a rapid growth in the scale and complexity of corruption.
THE CRIPPLING IMPACT OF CORRUPTION ON THE DELIVERY OF THESE ESSENTIAL SERVICES HAS DEEPENED ECONOMIC INEQUALITIES, UNDERMINING FAITH IN POLITICAL PROCESSES, PARTIES AND POLITICIANS. IN TURN, THIS INCREASES POLITICAL VOLATILITY AS POLITICIANS RETREAT TO IDENTITY AND PERSONALITY POLITICS WITH ITS COMPLEX WEB OF NON-Negotiable

So much so that anti-corruption work needs to be returned urgently to the heart of the global development agenda. It needs to be part of the DNA of modern nation-states, multinational corporations, non-governmental organisations (NGOs) and even religious organisations and how they interact on the global stage.

This urgency comes from the fact that graft has served to hollow out key governance institutions in some countries. This includes the defence and security sector and areas of social policy such as health and education, with dire consequences for the public services they are supposed to offer the poor, in particular.

The crippling impact of corruption on the delivery of these essential services has deepened economic inequalities, undermining faith in political processes, parties and politicians. In turn, this increases political volatility as politicians retreat to identity and personality politics with its complex web of non-negotiable irrationalities. It also feeds fundamentalism of all kinds - for example, ethnic, religious and sectarian.

To conclude, a successful international anti-corruption campaign requires co-operation on a global scale and specific legal measures that help transform attitudes towards corruption and the ability to prosecute the corrupt.

Although it may take longer, embedding a culture of social sanction and censure for anyone found guilty of engaging in, facilitating or condoning corrupt activity, even to the extent that those holding office lose public trust, would support these measures.

They need to be seen as bobolu. They need to feel the social stigma when they attend family gatherings, visit the golf club or step into the supermarket - as much to set an example to others as to punish the individual, impressing on the whole community that corruption will not be tolerated.

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THE CHALLENGE OF ACCOUNTABILITY FOR GRAVE CRIMES

BY PASCAL KAMBALE
WE CANNOT DEVELOP SPECIAL MECHANISMS TO DEAL WITH SERIOUS CRIMES, SUCH AS THE INTERNATIONAL CRIMES DIVISION IN UGANDA OR THE PROPOSED SPECIAL COURT MANDATED BY THE AFRICAN UNION FOR SOUTH SUDAN, WHILE, AT THE SAME TIME, CLOSING THE JURISDICTION OF THESE MECHANISMS FROM VIOLATIONS OF ELECTORAL LAWS THAT TRIGGER THE MOST SERIOUS CRIMES, AS THE CASE OF BURUNDI RECENTLY REMINDED US.

Over the past decade, most countries in the region embarked on two categories of important reforms: to establish appropriate norms and mechanisms to fight serious crimes and, in the electoral field, to improve the quality of people’s participation in governance. In most cases, however, the two sets of reforms were carried out parallel to each other, without any effort to link them together.

In Kenya, for instance, reforms undertaken to prevent electoral debacles of the magnitude of what was experienced in 2007 were carried out separately from and parallel to reforms in the legal field. These led to the transformation of the judicial system and gave birth to the idea of creating a division for international and cross-border crimes. Electoral offences, however, are not on the list of crimes under the jurisdiction of the proposed division. This is despite the fact that they were at the origin of the post-election violence of 2007/2008.

The fight against serious crimes committed in connection with the exercise of the people’s political participation is therefore one of the main projects that await actors in the region in the coming years. One element of this project is the need to criminalize electoral offences and to treat them as the serious crimes they are. We cannot develop special mechanisms to deal with serious crimes, such as the international crimes division in Uganda or the proposed special court mandated by the African Union for South Sudan, while, at the same time, closing the jurisdiction of these mechanisms from violations of electoral laws that trigger the most serious crimes, as the case of Burundi recently reminded us.
Instead of giving the impression of having personal issues with international law whenever it comes to combating serious crimes, the East African community members must demonstrate their seriousness to fight against these crimes by welcoming international cooperation.
The East African region faces another challenge, that of international cooperation in the fight against serious crimes. One of the attributes of national sovereignty is the prosecution of crimes, which is mainly in the realm of the domestic jurisdiction. However, the punishment of the gravest crimes - also rightly called international crimes - sometimes sets an exception to this principle and lends itself better to an international jurisdiction, or at least a strong international judicial cooperation.

The paradox is that the East African countries have been deeply affected by serious international crimes. However, the countries have been the most resistant to the role of the international community in the repression of these crimes. While it was the first country to refer a situation to the International Criminal Court (ICC), Uganda has since been leading the anti-ICC campaign. The country has given itself a flag-bearer role, which recently culminated in the unusually violent diatribe President Museveni meted against the ICC at his inauguration. For the past four years, Kenya has deployed the bulk of its diplomatic assets against the ICC, including initiating repeated calls for African state parties to the ICC to withdraw en-mass from the court.

More recently, the leaders of Burundi were busy frustrating a fact-finding mission of the African Union on the serious crimes committed as a result of the violation of the constitution by President Nkurunziza. Almost at the same time their South Sudanese counterparts were writing opinion articles in international media to oppose a special criminal court whose establishment was endorsed by the African Union. For its part, Rwanda continues its decade-long crusade against the exercise by Western courts of universal jurisdiction over serious crimes when African leaders are allegedly involved in those crimes.

Instead of giving the impression of having personal issues with international law whenever it comes to combating serious crimes, the East African Community members must demonstrate their seriousness to fight against these crimes by welcoming international cooperation. This starts with respect for investigative procedures and implementation of international judicial institutions recommended by the East African Community and the African Union.

Civil society in the region is expected to increase its efforts towards this goal by working with governments to help them in their request for international cooperation to fight serious crimes.

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MAGUFULI: A DELICATE BALANCE

BY NICODEMUS MINDE
In October 2015, Tanzanians went to the polls yearning for change after decades of disillusionment and apathy. The elections were the most competitive in the country’s history since the advent of multi-party democracy in 1992.

The main opposition parties, in a show of unity, had merged into a coalition known as Umoja wa Katiba ya Wananchi (UKAWA), an outfit that had organically formed during the constitutional review process. The UKAWA coalition fronted one presidential candidate, Edward Lowassa, who ran against the ruling party, Chama Cha Mapinduzi’s (CCM) John Magufuli. Ahead of the General Elections, competition and rivalry among party elites in the CCM, coupled with underlying power struggles and corruption scandals involving senior party henchmen, had placed the ruling party in an awkward position. The party was beginning to lose its socialist egalitarian reputation associated with Tanzania’s founding President, Mwalimu Julius Nyerere. With this background, CCM went on to nominate John Magufuli as its presidential candidate, noting his impeccable record in government and unique ‘no-nonsense approach’, attributes that had endeared him to the public. So damaged was CCM’s reputation among the voters that Magufuli was seen as the party’s symbol of change. His campaign theme was ‘Hapa Kazi Tu’ (loosely translated as ‘strictly business’).

The election of Magufuli as President of Tanzania was seen as heralding a new beginning for the country. Immediately he came into power, he purged the civil service of ghost workers. He adopted the fight against institutional corruption and wasteful government spending as his main governance agenda. In a raft of changes, Magufuli announced universal free primary education, cancelled Independence Day celebrations to save costs and cut down on foreign trips.

President Magufuli’s first three months in office saw a reshaping of the country’s civil service, government operations, recalibration of the country’s fiscal policy through cutting government spending and a renewed focus on government entities such as the revenue authority (TRA), the ports (TPA), the railway services (TRL) and the power utility firm (TANESCO). He shaped his administration by weeding out officials who were accused of corruption and sanitizing government institutions, which were saddled with graft and incompetence.
Despite the craze of the ‘Magufuli phenomenon’, his administration has been blemished by incidences of suppressing and curtailing rights and freedoms. In January 2016, Magufuli’s administration came under scrutiny when the Information Minister, Nape Nnauye, issued a directive halting the live coverage of parliamentary proceedings by the national broadcasting corporation (TBC) on grounds of ‘cutting costs’. The directive infuriated opposition legislators who saw this as a restriction of media freedom and the citizens’ right to information. The opposition have also accused parliament of bias and decided to boycott parliamentary sessions in defiance to what they termed as the iron fist rule of the Deputy Speaker, Tulia Ackson, a presidential appointee.

Magufuli has also restricted opposition political party activity stating that the opposition should ‘wait until the next election cycle’ in 2020. This restriction however does not apply to CCM. The main opposition party - Chadema - reacted by planning nationwide protests which they dubbed Umoja wa Kupambana na Udikteta Tanzania (UKUTA), an alliance for combating dictatorship in Tanzania. Chadema accused the president and his administration of violating the Constitution, national laws and international conventions on the freedom of political association and political activity. They also accused the president of governing by decree. Key opposition figures were arrested before Chadema momentarily called off the protests.

A weekly political tabloid - Mawio - was also banned for alleged incitement, and in August 2016, two radio stations were also banned for ‘insulting the president’ and ‘inciting violence’. Several people have also been charged for insulting the president using the controversial Cybercrime Law 2015.
Zanzibar Impasse

While exercising a strictly business approach on the mainland, Magufuli has failed to resolve the political impasse in Zanzibar. When Zanzibar was plunged into a political crisis on 28 October, 2015, the Chairman of the Zanzibar Electoral Commission (ZEC) annulled the General Elections on the islands. The opposition party, Civic United Front (CUF), claimed that they had won the elections and that the annulment of the election was meant to deny them victory.

In his inauguration speech to parliament, Magufuli promised an amicable resolution to the crisis in Zanzibar and went on to meet with leaders from CUF and CCM. There was much expectation that Magufuli would broker a truce in Zanzibar. Instead, he has maintained CCM rule on the islands. In August 2016, he toured Zanzibar’s two main islands - Pemba and Unguja - where he heightened political temperatures with political rhetoric and castigation of the opposition. Zanzibar remains politically divided.

“THERE WAS MUCH EXPECTATION THAT MAGUFULI WOULD BROKER A TRUCE IN ZANZIBAR. INSTEAD, HE HAS MAINTAINED CCM RULE ON THE ISLANDS.”

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Which Way for Tanzania?

Different stakeholders in Tanzania have questioned Magufuli’s ‘one-man rule’. He has been described as a ‘one-man band’ whose approach signals ‘tyranny’. The president has largely been accused of personalizing his rule and not institutionalizing the reforms he is making. The opposition and civil society have also questioned the firebrand approach of the president saying that he needs to build institutions, which will then carry out and further reforms. With a stalled constitutional review process, Magufuli should finalize the process and build his agenda through the new constitution.

In hindsight a number of citizens and commentators have argued that Tanzania will benefit more with a ‘Kagame’ sort of leader - one who ‘delivers change through benevolence authority’. His opponents have accused him of ruling by decree, with government officials and security personnel adopting this approach. Magufuli needs to balance his ‘strict business’ leadership with building institutions while upholding fundamental rights and freedoms, in order to cement the agenda for change.

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DRAWING THE RED LINE
BY CHRISTINE ALAI

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The shocking images and stories of gruesome incidents of intimate partner violence (IPV), defilement, rape and other forms of sexual and gender-based violence (SGBV) uncovered by the citizenry in the recent past, mainly through mainstream and social media, remain imprinted in many of our memories.

Media exposes of SGBV have been followed by trending social media and advocacy campaigns, with sections of the public condemning perpetrators and calling for humanitarian support for survivors. This trend depicts a sense of consciousness within our societies of the inhumane and discriminatory nature of SGBV. It may suggest that the ground is beginning to shift somewhat, owing to decades of unrelenting initiatives designed to influence changes in negative societal attitudes, beliefs and mind sets that have hitherto condoned SGBV.

Yet the tragedy lies in the fact that reported incidences of SGBV are only but a tip of the iceberg, and new reports emerge every day. Take sexual violence in the East African region as an example. The Kenya National Police Service Crime Situation Report recorded 5,869 cases of rape, defilement, incest and indecent assault in 2015.

This represented an 18 percent increase from the 4,959 cases reported in 2014. In Tanzania, the police recorded 5,802 cases of rape in 2015 while in Uganda, the Police Annual Crime Report recorded 12,077 cases of defilement in 2014 compared to 9,598 cases in 2013, which was an increase of 25.8 percent, and 1,099 cases of rape in 2014.

While the upsurge may be an indicator of enhanced awareness leading to reporting by more survivors, the reality of the soaring numbers of SGBV cases that have now reached crisis levels in the region cannot be ignored. Reported SGBV cases are much higher than most other crimes. In fact, defilement was reported to be the leading crime in Uganda’s latest police crime report of 2014. The upshot is that while citizens publicly report, profile and condemn SGBV, it continues unabated.

We must deeply interrogate the factors that perpetuate SGBV and explore effective strategies to uproot and continuously fight against it.

For starters, there is an urgent need to focus greater attention and investment toward prevention of SGBV. A number of initiatives aimed at addressing several underlying causes of SGBV, including existing discriminatory social norms and structural factors that perpetuate gender inequalities between men and women, have been implemented in the region over time. The most common interventions include media and public education and awareness programs, advocacy campaigns, engaging men and boys, skills training and micro-finance. Other interventions include school-based programs and community mobilization.
However, studies show that while many of these initiatives result in increased knowledge and changes in attitudes and beliefs, evidence lacks on their impact on change of behaviour and corresponding reduction in cases of SGBV.

This presents a significant opportunity to enhance prevention strategies, by incorporating rigorous methodologies to monitor and assess the efficacy of programs initiated to reduce perpetration and experiences of SGBV. Such assessments should consider how effective prevention of varied forms of SGBV among different populations is over the long term. This approach will facilitate the development of evidence-based prevention interventions while building on progress made to date.

Further, priority should be given to the scale up, adaptation and dissemination of information on prevention strategies that have been proven to be effective, while continuously evaluating their sustained value in new settings. Some illustrations help make this point. For instance studies conducted in the region have established that community mobilization is effective in curbing violence against women. In 2014 a cluster randomized controlled trial to assess the impact of SASA! showed similar results. SASA!, a community mobilization program to prevent violence against women and reduce HIV risk in Kampala, Uganda, found out that the program had resulted in up to 52 percent reduction of experiences of physical and sexual IPV among women, lower social acceptance of IPV among men and women, and enhanced supportive community responses to IPV. Similar findings were observed in a study assessing effectiveness of a community-based SGBV prevention model in emergency settings.
Effective prevention strategies must also incorporate a thorough assessment, understanding and mitigation of risk factors that exacerbate SGBV. Notably, conflicts in the East African region have been a significant risk factor that intensifies SGBV against vulnerable populations, with women and children being the most affected.

Most recently, preliminary investigations conducted by the United Nations (UN) documented up to 217 cases of sexual violence between 8th and 25th July, 2016, during and following renewed violence in Juba, South Sudan. A similar experience occurred during Kenya’s 2007-2008 post-election violence where at least 900 cases of SGBV were reported between December 2007 and February 2008. In Northern Uganda, thousands of civilians, mostly women and girls, were subjected to sexual violence during the two-decade armed conflict between the Lord’s Resistance Army and government army from 1986 to 2006. Studies have revealed that up to 60 percent of women in the Northern Uganda region have experienced some form of sexual violence.

The study, which was by the Thohoyandou Victim Empowerment Programme for rural communities in South Africa and subsequently implemented in Rwamwanja Refugee Settlement in Western Uganda in 2015, was referred to as the ‘Zero Tolerance Village Alliance’ intervention. Both initiatives used empowerment and participatory approaches to equip communities with knowledge and skills. The initiatives also supported communities to identify and develop context-specific resources to facilitate community action leading to behavioural changes.

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Early warning systems that are already operational at the regional, national and sub-national levels within East Africa provide a strategic opportunity to anticipate, prevent or mitigate conflict-related SGBV in a timely manner. These mechanisms should be enhanced to incorporate gender-sensitive indicators that guide communities in detecting, analysing and responding to increased risk factors for SGBV associated with violent conflict, disasters and other crises. Gender-sensitive early warning mechanisms would ensure that factors that are risky to women are detected and contingency measures taken to prevent the occurrence or escalation of conflict-related sexual violence. Such factors include changes in women’s mobility patterns, increase in reported gang rapes and other forms of aggravated sexual violence and intimidation of women in political processes. Others include set up of military or security operation bases in close proximity with civilian populations, security operations involving community or house raids and displacement. Mechanisms such as these would achieve optimum results, including having continuous assessments being conducted in collaboration with women and local communities with a clear goal of utilizing obtained data to develop and implement effective preventive and responsive action.

The need for ending impunity for SGBV cannot be overstated. Preventive strategies can only be effective if state machinery is employed to ensure timely and effective investigations and prosecution of perpetrators for SGBV committed during both peace times and conflict situations.
This would unequivocally demonstrate the society’s non-acceptance of SGBV as an affront to its values. States must move beyond just enacting laws and policies that prohibit SGBV! They must ensure enforcement of those laws and policies, including providing conducive environments that protect survivors from the stigma associated with SGBV. States must make it possible for survivors to report their experiences without fear of reprisals from perpetrators or fear of being ostracized from their communities.

Rigorous and sustained capacity development and stronger coordination within and between key sectors, including the health, law enforcement, legal and judicial sectors will go a long way in guaranteeing proper care, treatment, rehabilitation and reparation for survivors.

Practitioners and activists in the region continue to grapple with a bigger question: How do we hold our states accountable when they fail to put in place effective measures to prevent SGBV? Innovative strategies such as the ongoing ground-breaking strategic litigation seeking to hold the government of Kenya accountable for its failure to prevent PEV-related sexual violence and similar growing initiatives in Uganda and elsewhere hold a lot of promise for the future. But the greatest power lies within the public movement. The citizens’ role must not be limited to highlighting and condemning instances of gruesome SGBV broadcast on our television screens, radio air waves and newspapers. We must also begin to demand for tangible action by our governments to curb this rising crisis!

Christine Alai is the Kenya coordinator, Program on Sexual Violence in Conflict Zones, for Physicians for Human Rights (PHR)

“WE MUST ALSO BEGIN TO DEMAND FOR TANGIBLE ACTION BY OUR GOVERNMENTS TO CURB THIS RISING CRISIS!”
Following the 9/11 attacks on the United States by the organized terrorist movement Al Qaeda, there has been a growing international focus on preventive approaches to transnational violence, including terrorism, organized crime and conflict.

In relation to acts of terror associated with or driven by militant Islamist ideologies, these preventive approaches are now commonly referred to as “countering violent extremism” or CVE. The emergence of CVE programming is an additional burden to non-governmental organizations (NGOs) working in the East and Horn of Africa, most of which are already deeply committed to institutional work ranging from humanitarian aid to human rights.

The challenge with the CVE approach lies in its ambiguity. What exactly is violent extremism? Is extremism acceptable if it is not violent? At what measurable point is an ideology said to have reached an ‘extreme’ point? What measures are acceptable in countering such extremism?

The recent rise of ideological militancy has terrorized and destabilised communities in Africa. Exploiting community vulnerabilities such as poverty and alienation, extremists have radicalised and lured Muslim youth towards a militant and foreign ideology.
SIHA SEES A LOCALIZED PREVENTIVE APPROACH USING ISLAMIC PRINCIPLES AS BEING MORE EFFECTIVE IN CREATING THIS AWARENESS, AND A LONG-TERM APPROACH AIMED AT REALISING TRUE AND SUSTAINABLE TRANSFORMATION WITHIN MUSLIM COMMUNITIES AS THE BEST OPTION.

In this reality, the current CVE approach is overly simplistic and largely ignores the driving factors of extremism and the region’s historical injustices meted on minorities. The assumption that grant-making to NGOs to undertake development-style programming will create a shift in communities’ social identities or erase the causative factors behind inequality and injustice is flawed. It seeks to redress communities’ lack of inclusivity, unequal citizenship and marginalization with social and economic development.

The Strategic Initiative for Women in the Horn of Africa (SIHA), has been focusing on challenging religious militancy and its impact on the rights and the overall existence of women. SIHA has engaged in work on gender relations in the Horn of Africa for many years. Experience has taught us that challenging and addressing any form of social transformation should be led by actors from within the communities. These actors are conversant with the insights, heritage and realities of their societies. Therefore, any CVE intervention driven by actors from outside the region will often lack context, and is likely to fail.

Islam has a long heritage of reform and transformative discourse. This can be utilized to facilitate persuasive transition in communities’ awareness using their own religious guidance. SIHA sees a localized preventive approach using Islamic principles as being more effective in creating this awareness, and a long-term approach aimed at realising true and sustainable transformation within Muslim communities as the best option. However, SIHA has not been able to identify external interest in such a cause.

To date, one of our most effective approach has hinged on careful and structured dialogue on the injustices suffered under militant Islamists. This approach was introduced by the Sisters in Islam movement in Malaysia. Sisters in Islam brought together women from across the world and, together, they established the Musawah movement.

Social identity in the East and Horn of Africa region is a highly complex matter. The concept of citizenship is not affirmed in all states, and where it is, it is often not applied equally, most times to the disadvantage of minority groups. Ethnic and religious affiliations remain the determining factors in the shaping of identity and access to national resources and services.
IN COMBATING THE VIOLENCE OF MILITANT GROUPS AND THEIR IDEOLOGY, PROGRESS WILL ONLY BE ACHIEVED THROUGH A COMPREHENSIVE LONG-TERM APPROACH. FOR ANY SERIOUS TRANSFORMATION TO OCCUR, THE PREVENTIVE INTERVENTION SHOULD ENCOURAGE OWNERSHIP BY MUSLIMS THEMSELVES AND INCLUDE A LOCAL ISLAMIC APPROACH.
This movement supports and facilitates independent interpretation of Islamic texts ranging from the Qur’an to traditional Islamic jurisprudence, taking the current context into consideration. These interpretations are exposed to Muslim communities through reformist and moderate teachings, intended to foster space and platforms for Muslim communities to engage in dialogue and debate, challenging the ideology of extremists.

Unfortunately, this approach and interventions based on it have not been seen as being aligned with CVE’s overall objectives, which are typically characterised by a ‘quick-fix’ approach and which pose the risk of undermining Muslim communities’ sense of identity.

In most countries, counter-terror policies and CVE approaches have given rise to a vicious cycle of violence and counter-violence, followed by human rights violations and the victimisation of citizens, both Muslim and non-Muslim. In combating the violence of militant groups and their ideology, progress will only be achieved through a comprehensive long-term approach. For any serious transformation to occur, the preventive intervention should encourage ownership by Muslims themselves and include a local Islamic approach.

Hala al-Karib is a Sudanese activist for women’s rights in the Horn of Africa. She is the Regional Director of the Strategic Initiative for Women in the Horn of Africa (SIHA) ownership by Muslims themselves and include a local Islamic approach.
On the first anniversary of South Sudan’s peace agreement Mr Festus Mogae, Chairman of the Joint Monitoring and Evaluation Commission - the body charged to monitor the implementation of South Sudan’s peace agreement - commented that “the country is badly off today than it was before”.

Mr Mogae was commenting on the lack of political will by South Sudan’s leadership to implement the security arrangements stipulated in the Agreement on Resolution of the Conflict in South Sudan (ARCSS), which he saw as the biggest hurdle to the Agreement’s full implementation.
The Agreement, which is also known as the ‘peace accord’ was signed on August 26, 2015, by South Sudan’s President Salva Kiir and former vice president turned rebel leader Riek Machar. It was an attempt by the warring factions to end fighting in the five-year-old country. However, violence flared again between the two sides in July 2016, and despite the implementation of a ceasefire, concern for the fragile peace agreement remains.

The Agreement envisioned arrangements for the rival armies to come together and work as a national force. It promised a new constitution, as well as reforms in the economy, security sector and the civil service. It also had provisions for fair elections, and included elements of transitional justice such as setting up a reparations authority, a truth and reconciliation commission and a hybrid court for the trial of grave crimes that had been committed.

Many South Sudanese blame the failure to implement the Agreement on the “bad blood” and distrust between Salva Kiir and Riek Machar. In the current stalemate, many questions remain unanswered. Will the parties’ inability or unwillingness to work together in good faith lead to greater regional involvement? What form will that regional intervention take? Will it be military intervention? What impact would this option have on a political settlement?

Following the outbreak of fighting in July 2016, Salva Kiir sacked Machar from his post as first Vice President. In his place, Salva Kiir appointed Taban Deng Gai, a former opposition negotiator who had broken ranks with Riek Machar. Gai is seen by many as a defector to Salva Kiir’s faction and someone who will compromise the implementation of key provisions of the Agreement.

Most South Sudanese are sceptical of the current leadership and question their commitment to work for peace and development. To many the future is uncertain. They have begun to lose confidence in the willingness of their leaders to pursue peace. They are also wary of the possibility and implications of yet another power-sharing arrangement that forces unpopular leadership on a population that is hungry for change.

South Sudan was founded on July 9, 2011, when it gained independence from Sudan after nearly 100 percent of its citizens voted for cessation in a national referendum. Barely two years into independence, the country descended into conflict when Salva Kiir accused Riek Machar, his former deputy whom he had sacked in the beginning of 2013, of plotting a coup. The conflict then took an ethnic tone, pitching Salva Kiir, a Dinka, against his rival Riek Machar, a Nuer.
As the conflict flared into violence, Riek Machar and the commanders loyal to him fled to the countryside. Tens of thousands of people died in the violence, many starving to death. More than two million people have been displaced.

This renewed conflict has shaken the country to its core, disrupting a fragile peace in a young nation still healing from decades of civil war. It now poses an existential threat to South Sudan, a fragile state whose economy is in tatters. The conflict puts a test on the international community’s resolve to mitigate this seemingly unsolvable conflict. It is clear the country cannot endure a continuing state of war.

All across South Sudan, communities are mobilizing for peace. Different voices, groupings and movements are emerging, calling for a return to normalcy. Ordinary women and young men are reaching out to their counterparts across the front lines, putting aside tribal and political differences in genuine search for lasting peace. However, with no infrastructure, no access to social media and other forms of social mobilization, their calls for solidarity are largely going unnoticed. They are being overshadowed by the brutality and self-destructive action and inaction of the political class.

Activists in South Sudan are frustrated by the perceived lack of empathy and solidarity from their brothers and sisters across the continent, and the rest of the world.

To them, it seems the world listens to the few rebels-turned-politicians, even when they kill, murder and destroy their country, giving a platform to voice and articulate their divisive agenda. They wonder why the world hardly gives any audience and visibility to the silent majority of peaceful actors or to their efforts to bring peace.

Although state structures profess to work for peace in Africa, the experience of South Sudan seems to indicate that states work better for those who hold power, even if they got there through violence.

For the ordinary people of South Sudan, their only hope is the support and solidarity of ordinary people in Africa and around the world. Driven by their collective resolve to end the conflict and live in harmony, their appeal is now directly to fellow world citizens: Join the movement for peace in our country, South Sudan.

“This renewed conflict has shaken the country to its core, disrupting a fragile peace in a young nation still healing from decades of civil war. It now poses an existential threat to South Sudan, a fragile state whose economy is in tatters.”

Photo credit: MikhailMishchenko. www.istockphoto.com
FOR THE ORDINARY PEOPLE OF SOUTH SUDAN, THEIR ONLY HOPE IS THE SUPPORT AND SOLIDARITY OF ORDINARY PEOPLE IN AFRICA AND AROUND THE WORLD. DRIVEN BY THEIR COLLECTIVE RESOLVE TO END THE CONFLICT AND LIVE IN HARMONY, THEIR APPEAL IS NOW DIRECTLY TO FELLOW WORLD CITIZENS: JOIN THE MOVEMENT FOR PEACE IN OUR COUNTRY, SOUTH SUDAN.

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WOMEN'S RIGHTS IN EASTERN AFRICA: GREAT STRIDES BUT CHALLENGES ABOUND

BY SARAH MUKASA
The Eastern African region has made great strides in the last decade in advancing the rights of women. Women’s status in social, political and economic spheres has improved considerably.

The number of women holding political positions has increased significantly, with more women participating at local, national and international levels. According to the latest report by the World Bank, Rwanda leads globally with 64% female representation in parliament. Tanzania is at 37%, Sudan at 31%, South Sudan 29%, Uganda at 34%, Kenya at 20%, Ethiopia 39%, and Burundi 36%. At the same time, women are increasingly holding ministerial positions and portfolios that have previously been the preserve of men including foreign affairs, defence, finance and in some countries the vice presidency. In Kenya for instance, the defence and foreign affairs portfolios are currently held by women.

At the same time, most countries in the region have constitutions which guarantee equality, and election laws that provide for affirmative action measures. Others like Kenya have institutional frameworks such as the Gender and Equality Commission, which oversees the implementation of these measures.

The Commission has been at the forefront in advocating for the implementation of the one-third gender rule in appointments in public offices. Kenya also has economic empowerment programs aimed at advancing the economic well-being of women. Rwanda has made great progress in promoting gender equality, largely driven by government commitment. This progress has put Rwanda second in the global gender equity index, behind Sweden. Gender equality is enshrined in the constitution and Rwanda was the first country in the world to have more than 50% female members of Parliament. In recent years, there has been a strong emphasis on fighting gender-based violence in Rwanda.

Despite this progress, challenges abound. The region still grapples with deeply rooted structural inequality which negatively impacts on women and girls. The political space is riddled with increasing militarization which prevents women from seeking electoral office due to high levels of violence. For example, according to the Social Institute and Gender Index- 2014, the situation and role of women in Sudan is influenced by the history of conflict in which they are subjected to extremely high levels of violence from state and non-state actors.
In Uganda, women still face discrimination, low social status, and lack of economic self-sufficiency. According to UN Women, violence against women remains endemic in the region due to negative cultural norms and practices. Available data indicates that one in four women in the region has experienced physical or sexual violence in her lifetime.

At the same time, the political will to protect the rights of women still remains wanting. Many of the legal and policy provisions remain unimplemented. For example, despite the constitutional provisions on one-third gender rule in Kenya, the law is yet to be implemented fully. This also applies to Rwanda where despite legislation and programs to promote equality, the gender gap still remains in the public sector, a situation that is replicated across Eastern African countries.

On the economic front, debate continues on the neo-liberal free market economic policies adopted by governments in the region. The growing inequality between rich and poor is largely determined by gender. For instance, the commoditization of essential goods and services such as water, and food negatively impacts women and girls. In addition, years of underinvestment in agriculture has had devastating consequences on small-holder farmers, majority of who are women. Whilst it is laudable to increase the efforts to mobilise local resources generated through taxation, the policies to do so must be just and based on the ability to pay (a key tax principle). The current practice of taxing essential goods and services, places a greater burden on the poorest in society especially women, as it does not take into account this principle of taxation.

IN THE AREA OF SOCIAL RIGHTS, THE REGION CONTINUES TO WITNESS DEVASTATING EFFECTS OF CHILD MARRIAGE, FEMALE GENITAL MUTILATION, VIOLENCE AGAINST WOMEN, THE BURDEN OF ILL HEALTH, ILLITERACY, POVERTY AND SOCIAL EXCLUSION, ALL DISPROPORTIONATELY FALLING ON WOMEN AND GIRLS.
In addition, the discovery of gas, oil and extractive resources has compounded the existing challenges on land rights and access, environmental protection and food security, with the fortunes of women and girls from affected communities clearly bearing the disproportionate burden of the negative impacts.

In the area of social rights, the region continues to witness devastating effects of child marriage, female genital mutilation, violence against women, the burden of ill health, illiteracy, poverty and social exclusion, all disproportionately falling on women and girls. There are also heightened concerns about the closing civic space for women’s rights activists in the region. The control of women’s organizations, associations and voices are practices that have severely affected their ability to engage in the civic space as equal citizens for many years. Governments such as Sudan and Uganda have used a number of public order laws against women, controlling their dress, and their rights to associate freely, and thus limiting their ability to engage in the civic space. Increasingly, these laws are broadening to include political association and civil society engagement. The Public Order Management Act in Uganda and various proposals for control of non-governmental organizations (NGOs) in the region stand out as the most dangerous of these laws. The continual erosion of the state as a secular space has compounded the process in which these discriminatory laws are developed.

Similarly, the efforts by women’s groups, cooperatives, associations, NGOs, alliances and coalitions to advance women’s rights have been eroded by a severe decline in funding. In 2013, for example, only a paltry 0.5% of the overseas development assistance (ODA) from OECD countries* meant for gender equality and women’s rights reached women’s organizations globally. This is a drop from 1.2% in 2002. This drop in support for women’s rights organizations illustrates a consistent trend in which these organizations have persistently and systematically been underfunded, constraining their ability to deliver on the agenda to advance the rights of women in the region. Yet it is critical to maintain this support for women’s rights organizations, who have been at the forefront of the efforts to transform our societies for greater inclusion. Furthermore, realization of development goals, including the Sustainable Development Goals (SDGs), depends largely on the realization of rights of women including equality, elimination of violence against women, and economic empowerment amongst others.

Though the region has registered tremendous growth in advancing women’s rights, focus must now shift to the existing challenges that continue to face women in the region. We thus must make concerted efforts at all levels to redress the imbalance, not just for the region’s women, but for our society as a whole. Implementation of the constitutional provisions, policy measures and programs that seek to advance the rights of women is critical.

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THE FUTURE OF DEMOCRACY: WHAT WAY FOR EASTERN AFRICA?

BY JOB OGONDA
Democracy was originally intended by the Greeks to provide checks and balances in the exercise of power. Consequently, Circa 510BC, Spartans created a four level government with two kings at the head of government, a judiciary, gerousia, with a security of tenure for life, a house of representatives that oversaw the kings and a people’s assembly that elected the above. The Spartan blueprint for modern democracy has remained intact for 2500 years save for some tweaking by various nations to suit their needs.

Despite its noble intentions, democracy was greatly flawed from its very inception. It was modelled on a fairly homogeneous nation-state such as Sparta and Athens, yet transplanted into rabidly multi-identity and sometimes intolerant nation-states. Its greatest weakness however is the presumption that citizens will exercise power from an informed self-interest perspective.

More importantly, the transplantation of democracy in its Greek form onto the global south has meant its application to legitimize violent repression, economic exclusion and systemized prejudices.
How Does Democracy Manifest in Eastern Africa?

The wealthy can purchase the government:

Electoral democracy has made governance exclusionist in its very nature. For example, electoral victory by National Resistance Movement (NRM) in Uganda ensures that it governs at the exclusion of Forum for Democratic Change (FDC), Uganda People’s Congress (UPC) and any other opposition party. It would be ideal if the contest for power was a contest of ideals and philosophies- social democracy versus capitalism, fiscal austerity versus economic stimulation.

In Uganda, more than 70% of the people on a list of the wealthiest in the country are either NRM/NRA- National Resistance Army, or families of the same, or people associated with NRM. The wealthiest person on the list is Alykhan Karmali, a Ugandan of Asian origin who was estimated to be worth US$700 million in 2015. His Company, Mukwano, was in 2002 investigated by a commission of enquiry for having evaded US$16 million in taxes. It was alleged in the said inquiry that the Uganda Revenue Authority (URA) had abetted his tax evasion. In the same year, residents of Zombo District accused his Mukwano group of companies of colluding with district officials to grab their land that is located in Abanga. Alykhan was alleged to have offered US$ 500,000 campaign contribution to NRM in 2001.
Violence and intimidation ensure electoral victories:

Uganda’s elections since 1996 have been replete with police and army officials firing live ammunition into opposition crowds. Opposition leaders are perennially beaten and arrested for actions such as walking-to-work or rejecting of electoral results. Notably, Bidandi Ssali, a senior NRA officer, confessed to having been in a meeting where the top brass vowed never to recognize the opposition candidate, Kiiza Besigye should he win the elections.

In Kenya, 1,133 died and nearly 600,000 were displaced from their homes following the 2007 elections. Though the scale of violence was unprecedented, the zero-sum-game nature of electoral democracy makes electoral competition desperate, and violent. In order to win elections in certain regions, electoral violence is perennially unleashed on minority or opposing ethnicities and clans to ensure that only one ethnicity is physically present to vote on polling day.

Intolerance and exclusion:

In Kenya, constituencies are almost exclusively mobilized on the basis of ethnic prejudice, fear of exclusion and fear of victimization. Voting has been reduced to tribal arithmetic. A casual audit of the ethnicities of senior civil service, directors of successful public contracting companies and awardees to lucrative licenses in historical governments indicates that the function of state is restricted to the ethnicity/ies that win an election. In Burundi, the longest ruling party in its history, the Union for National Progress (UPRONA), was always seen as a Tutsi-dominated party with Hutu members. In the same vein, one could argue that the ruling party, National Council for the Defense of Democracy (CNDD-FDD) and its main opposition National Liberation Forces (FNL) are predominantly Hutu parties with representations from other groups.

Their respective Ministers, Senior Civil Servants and security officers reflected the respective ethnic support for the party in power. The historical animosity between the Dinka and Nuer of South Sudan has manifested into ethnic cleansing and insurgence following the breakdown of power-sharing by the various communities in the then Government of National Unity.
IN KENYA, 1,133 DIED AND NEARLY 600,000 WERE DISPLACED FROM THEIR HOMES FOLLOWING THE 2007 ELECTIONS. THOUGH THE SCALE OF VIOLENCE WAS UNPRECEDENTED, THE ZERO-SUM-GAME NATURE OF ELECTORAL DEMOCRACY MAKES ELECTORAL COMPETITION DESPERATE, AND VIOLENT.
The Reality of Democracy in Eastern Africa

Democracy and Justice:
Democracy is not an end in itself, rather, it is a means to justice. Unfortunately, democracy in Eastern Africa has been elevated as an end in itself. Thus its devastating manifestations in the lives of families are accepted as a natural price for democracy. Uganda’s democracy is militarized to the point of a farce. In 2009, the king of Buganda, Kabaka Mutebi was stopped from visiting a part of his Kingdom, Kayunga, which led his subjects to protest. Following heavy-handedness by military and the police, at least 40 people were left dead for practicing what should be a normal democratic exercise—expressing decent against a government position. NRM has regularly mobilized military and police against citizens for expressing outrage over theft of public fund, theft of Mabira forest, electoral malfeasance and cost of living.

On April 25, 2015, the ruling CNDD-FDD announced that Nkurunziza would run for a third term, against constitutional two-term limit, thereby sparking a coup, riots and murders of more than 1000 and resulting in more than 120,000 refugees. The Burundi government is recognized today as legitimate despite the travesty. The exclusionist nature of democracy in Kenya has made it one of the most unequal countries on earth. A World Bank report “Poverty in a Rising Africa” says 62 per cent of Kenya’s national wealth is controlled by 8,000 persons in a country whose population is over 40 million people. Yet the exercise of democratic elections, religiously practiced every five years, rarely audits this dehumanizing phenomenon. Should the value of democracy be based on is ability to deliver justice, rather than an imaginary inherent value?

“THE EXCLUSIONIST NATURE OF DEMOCRACY IN KENYA HAS MADE IT ONE OF THE MOST UNEQUAL COUNTRIES ON EARTH. A WORLD BANK REPORT “POVERTY IN A RISING AFRICA” SAYS 62 PER CENT OF KENYA’S NATIONAL WEALTH IS CONTROLLED BY 8,000 PERSONS IN A COUNTRY WHOSE POPULATION IS OVER 40 MILLION PEOPLE. YET THE EXERCISE OF DEMOCRATIC ELECTIONS, RELIGIOUSLY PRACTICED EVERY FIVE YEARS, RARELY AUDITS THIS DEHUMANIZING PHENOMENON.
Democracy and Identity

A fundamental, yet unspoken, cornerstone of governance is political identity. The majority of ethnicities in Eastern Africa perceive themselves as sufficient nation-states and thus view their country as an entity from which they can extract opportunity and resources, or an entity that they must resist. Yet now that Eastern African legitimate nation-states such as the Maa, Bahima, Hutus, Digos etc. find themselves cobbled in a quilt of nationhoods of Kenya, Uganda, Burundi and others, legitimate governance needs be negotiated. Whilst inter-ethnic unity was useful in the fight for independence from colonization, the experience of it in post-independence has been largely oppressive, disenfranchising, dispossessing and violent when one is not from the ethnicity that is in power.

Democracy presumes homogeneity of identity that, with the exception of Tanzania, is grossly misplaced in Eastern Africa. Legitimacy thus entails understanding the kaleidoscope of nation-state identities. The vilification of loyalties to these identities only encourages dishonest political discourse in attempting to forge developmental states and hard-line ethnic positions that undermine nationhood.

DEMOCRACY PRESUMES HOMOGENEITY OF IDENTITY THAT, WITH THE EXCEPTION OF TANZANIA, IS GROSSLY MISPLACED IN EASTERN AFRICA. LEGITIMACY THUS ENTAILS UNDERSTANDING THE KALEIDOSCOPE OF NATION-STATE IDENTITIES.
Democracy and Corruption

Another challenge of democracy is that it is inherently expensive. To win an election entails resources that support vote-hunting. It thus, by its very nature, encourages state capture and corruption through electoral financing.

The maintenance of influence, once one is in power, entails rewarding one’s support base and deploying like-minded cadre in policy and execution. This makes it exclusionist by nature. In Kenya, public contracts, public service jobs and public infrastructure have broadly reflected the dominance of the ethnicities that have been, or are, in power.

Uninformed Citizenry and Democracy

Yet another challenge of democracy is its presumption of an informed citizenry that acts in their own best interest. But the reality is that a majority of citizens are ignorant on civic matters. Others still are apathetic or complicit even where their interests are being sabotaged like the case of Uganda where a 2015 poll by IPSOS predicted that an overwhelming 57% would vote for NRM government in 2016 despite Transparency International’s East Africa Bribery Index indicating that corruption in Uganda was a major problem for the citizens access to public service.
There is no easy answer to rethinking democracy but in forging sustainable, just and inclusive governance, we must be brave enough to ask:

If not democracy, then what?

Now that we are intolerant, fearful nation-states that must come together, how do we do it?

Who represents what constituency in rethinking democracy?

Who will lose, thus fight, the new governance dispensation?

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