

## BUCHBESPRECHUNGEN / BOOK REVIEWS

*Kerstin Kötschau / Thilo Marauhn (eds.)*

### **Good Governance and Developing Countries**

Interdisciplinary Perspectives

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Peter Lang, Frankfurt am Main, 2008, 166 pp., € 39,00; ISBN 978-3-631-57495-9

The Developing Countries Prize is a biannual award given by the Justus Liebig University in Giessen and the KfW Development Bank in Frankfurt am Main. In 2006 the prize was awarded to outstanding researches in the field of Good Governance. The major laureates, Stephen Knack and Philipp Keefer from the World Bank, as well as the laureates of the prize for junior scientists, received their awards at a symposium held on November 16-17, 2006. This book includes the papers presented at the symposium.

The Governance concept is still the subject of controversial discussions. Scholars have just recently analyzed the topic in depth, when some international agencies started to pay more attention to this issue and linked it with democracy promotion in developing countries during the 1990's. In the course of this task scholars and policy makers have realized how broad and complex the implementation of the Good Governance concept may be. In this regard, the book illustrates the complexity of the subject, presenting the multiple and still endless discussion around democracy promotion and governance and the role of international agencies supporting development. The discussion is enriched by different perspectives and theoretical approaches. From the academia to actual political practice and from the domestic policy level to the international one, this book puts together the state of the art of the Governance discussion in a very easy way to read.

*Steven Knack*, lead economist of the World Bank, shows how cross-country analyses confirm, that governance indicators measuring corruption, bureaucratic quality and rule of law among others are strongly associated with growth rates and even with investment rates. Likewise, some other indicators from the International Country Risk Guide (ICRG), the Business Environment Risk Intelligence (BERI) and Freedom House are also applied to run statistical analysis in order to determine how governance and institutional quality may be related with economic growth and development. Certainly, in general terms, most of the researches confirm the strong relation between both realms. However, the direction of causality is still in the centre of the discussion, because scholars have not reached a consensus whether democracy and Good Governance produce better economic performance or if it is the other way around.

In a very refreshing view of how to fight corruption, *Johann Graf Lambsdorff's* contribution made me remember Bentham's argumentation about the Panopticon or "ideal prison", a tenet also used by Foucault to illustrate the lateral surveillance or self-policing.

Indeed, Graf Lambsdorff somehow uses the same principle, arguing, that corrupt actors can betray each other producing thus a positive effect to reduce corruption. To perform this task it is necessary to foster whistle-blowing, giving monetary incentives and special treatment to those, who might denounce corruption acts. This is what the author names as “the invisible foot”. Under this conception, the corrupt agent may be object of betrayal by whoever he tries to bribe, if the appropriate incentives are settled in the administration. To put it simple, Graf Lambsdorff uses an analogy “combating corruption is like judo. Instead of bluntly resisting the criminal forces, one must redirect the enemy’s energy to his own decay”.

*Walter Gropp* from Giessen University outlines different forms of corruption from a criminal law perspective. To illustrate the issue, he starts his presentation with three short practical cases and afterwards concentrates on the issue of network-corruption. He finds a lack of sufficiently stable and transparent public administration to be a cause for network corruption that, being a *circulus vitiosus*, swallows the public funds, necessary for building or maintaining stable, transparent structures. In order to successfully fight network-corruption, non-penologic governmental and non-governmental initiatives are required in addition to the criminal law. In this perspective looking at strategies for corruption prevention and prosecution *Walter Gropp* reveals that, while in Germany jurisprudence has led the way in the area of third-party funded research, we are only starting to look at forms, extents and limits of impunity of “micro-corruption”.

*Gabi Hesselbein*, researcher at London Schools of Economics, focuses on the relevance of Good Governance for fragile states. Broadly outlining the concepts of Good Governance, her concise paper shows a lack of differentiation between the variant stages of development and disagrees with the assumption of Good Governance being a universal concept for all countries. Social transformation and modernizing institutions are necessary steps to development. Evidence from fragile states, where these prerequisites are not given, show that concepts of Good Governance can even enhance the susceptibility to crisis of these countries.

Another interesting paper draws the use of the Good Governance concept in international law, mostly its application on fragile states. In this regard, *Thilo Marauhn* from University of Giessen, presents a governance concept that transcends the national barriers to also be applied at the supranational level through international organizations. That is how the rule of law and governmental accountability, for example, are core values with legal status in organizations such as the World Bank or United Nations, enforcing somehow at the international level concepts, that have belonged almost exclusively to domestic policy. Therefore Good Governance becomes an emerging principle within the framework of international law, especially in the context of development cooperation, which also makes evident the importance of this subject in the international agenda.

Likewise, *Albrecht Stockmayer* from the German International Cooperation Agency GTZ goes further analyzing the role of international agencies upon governance promotion and democracy building. Here, a very useful overview is presented, on how technocratic decisions, made by donor agencies towards developing countries, are in many cases led by

a lack of knowledge of the national context. In this regard, donors take part on the decision making stage through a top-bottom approach, but not in the implementation process, raising in fact difficulties to achieve Good Governance in developing countries. Actually Stockmayer's contribution places on the table a main question: are donors aware, that instead of promoting governance they might strengthen domestic conflicts by means of a technocratic bias? According to the author, in some cases they are not aware. However, new ways of work are being implemented to foster governance through participatory approaches and making use of the windows of opportunities that domestic situation presents.

A similar approach is developed by *Augustine Magolowondo* from the NIMD, laureate for the prize for the best dissertation, on the topic of Good Governance in his attempt to situate democratization aid and development co-operation in a theoretical context. His main thesis argues, that differences and similarities in aid policies can be explained through different theoretical perspectives taking into account implementation strategies from UNDP, the European Union, Germany through GTZ, and the United States through USAID. Thus, under the political realism perspective, the aid policies are performed in developing countries, where specific interests from donors and international agencies may also be achieved. In this regard, democracy promotion and aid policies during the Cold War were typically under this approach, since the donors sought for particular geopolitical and economic interests. However, a different situation occurs with The Europe Union (EU) that apparently exhibits a human right bias on its aid policies. This might be explained under the constructivist approach due to the cultural and social constructions according to European fundamental values. Therefore, the EU is promoting in developing countries political and social values that in fact come from its own political and social development, such as the abolishment of the death penalty. The same method is used to analyze the Bureaucratic Politics perspective and the Mode of Cooperation. On the latter Magolowondo concludes that development co-operation strategies in a partnership framework with the people are more efficient than those intended to implement measures from outside, supporting thus the aforementioned participatory approach.

In the same direction goes *Gudrun Benecke's* argument, who says, that the majority of external actors implement "one-size-fits-all" approaches for democracy and governance promotion. Gudrun Benecke from the University of Potsdam is the laureate of the prize for the best master thesis. After analyzing the Jordanian context and aids policies of some international agencies, the necessity of joint efforts between domestic structures and aid agencies in order to achieve better outcomes is confirmed. Otherwise, it remains the wrong assumption, that democracy can be externally imposed without paying attention to the national context.

Finally, *Michael Teig*, young researcher from the Otto-Friedrich University in Bamberg and laureate for the best diploma thesis, presents an overview of the relationship between governance and growth at the national level to support the importance of principles such as transparency and accountability in countries like Uzbekistan. After analyzing exchange

rates and some others quasi-fiscal activities on energy and agricultural sector in Uzbekistan, Teig finds, that a lack of transparency as well as implicit taxation and benefits imply important welfare costs for the country. This is something that must be avoided in order to achieve country's commitment toward a market oriented system. However, the Central Asian context, permeated by authoritarian regimes and patronage, makes it difficult to reach the required levels of transparency and social control to achieve a good level of governance. Therefore, to perform this task, the support of agencies such as World Bank is necessary in order to address these major problems. Nevertheless, important changes within the countries must be done.

Summing up, the book gives a broad spectrum of governance issues, its applications and major challenges in developing countries. It outlines the great importance of Good Governance and the positive relationship between democracy, governance and development, but also discusses, when and why Good Governance may result in the greater instability.

*Steffan Gómez-Campos, San José / Costa Rica*

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### **Children's Rights in Namibia**

Macmillan Education Namibia, Windhoek, 2009, 435 pp & xvi; ISBN 978-99916-0-891-4

The United Nations Convention on the Rights of the Child has had a profound influence on the appreciation and implementation of the rights of the child as a legal subject - also in Southern Africa. It has been an area of the law that has been sadly neglected in various regional countries. It is against this background that the book is welcomed as it fills the *lacuna* in the Namibian context. In brief, the book sets out the Namibian obligations for the protection and promotion of children's rights under national and international law. It analyses the extent to which the legislation and the various national institutions are successful in meeting these obligations. It is particularly useful in identifying and assessing policy and practical legal problems experienced within this legal system.

The collection of articles is not only academic in nature (although there are substantial sections from an academic perspective), but includes sections of a practical and inter-disciplinary nature, with some distinct recommendations for the Namibian legal system. The material is current and pertinent and, where relevant, includes a discussion of new legislative developments and reform in the country. It is clear that the Namibian legal fraternity is in the process of grappling with, and solving, contemporary child law issues: apart from the topics listed hereunder, there are references to a special children's court; children born of unmarried parents; and family violence to name a few.

The book is rather unique in that the contributors range from undergraduate and post-graduate students, to practitioners, a Namibian judge as well as experienced academics.