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MEET THE STAFF

Ngozika (Zika) Amalu is the Editor-in-Chief of the *Africa Policy Journal*. She is a second-year Master in Public Policy student at the John F. Kennedy School of Government at Harvard University. Previously, Zika was the Machel-Mandela fellow at the Brenthurst Foundation in Johannesburg, South Africa, where she conducted research on issues including public diplomacy and nation branding, intra-African investment, state building and democratic transitions, and security in the Sahel. At the Center for International Private Enterprise (CIPE) in Washington, D.C., she published case studies on democratic governance, anti-corruption reform, and business association and coalition building. Zika worked for a year in operations and finance for an entrepreneurship academy in Douala, Cameroon, and briefly as a consultant to the World Bank in Washington, D.C. She holds a bachelor's degree in economics from Georgetown University.

Ahmed Warfa is the Senior Editor for Academic Articles and a second-year Master in Public Policy student at the John F. Kennedy School of Government at Harvard University concentrating on public finance, energy, and infrastructure development. Previously, he worked with the microfinance department at Silatech, a social enterprise based out of Qatar. In this role, he was involved in microenterprise programming in the Middle East, working on greenfielding microfinance banks. Ahmed holds a bachelor of science in foreign service, summa cum laude, from the School of Foreign Service at Georgetown University where he studied international economics and politics.

Alicia Bello is the Senior Editor for Book Reviews and a joint degree candidate at the Harvard John F. Kennedy School of Government and Harvard Law School. She is a member of the Law and International Development Society and conducts research on social entrepreneurship and innovation in Africa. She previously worked on governance programs at the National Democratic Institute in Washington, D.C., and provided input on governance proposals and programming in the Central and West Africa region. Alicia is a native of Nigeria and graduated with high honors from Spelman College in 2011 with a degree in political science.

Aviva Feuerstein is the Senior Editor for Op-Eds and a first-year Master in Public Policy student at the John F. Kennedy School of Government at Harvard University.

Bhekinkosi (BK) Sibanda is the Communications and Media Officer and a third-year student at Harvard College. He is a native of the Republic of Zimbabwe having been raised in the small villages of Umzingwane District in Southwestern Zimbabwe. He majors in social studies with a focus on Southern African political economy and civic engagement. Bhekinkosi is hoping to do his honors thesis in the coming year on the 2013 elections in Zimbabwe, investigating how and why the ruling party still holds an epoch-making stronghold in rural areas even when the cities have generally swung to the opposition. He is also involved with the Harvard African Students Association and the First Generation Student Union.

Caroline Gimmillaro is Editor for Academic Articles and a first-year Master in Public Policy student at the John F. Kennedy School of Government at Harvard University. She has traveled extensively across Africa and worked for multiple nonprofits and nongovernmental organizations in Kenya as a fellow, director, and management consultant. She has developed a microfinance initiative to benefit street-dwelling youth, a greenhouse-lending program based on the solidarity-lending model, a mural arts project, and youth empowerment clubs for former street-dwelling children. Caroline holds a degree in community, environment, and development from Pennsylvania State University and is committed to increasing local participation in the development process.

Devon Maylie is the Managing Editor of the Africa Policy Journal. She is a first-year Master in Public Policy student at the John F. Kennedy School of Government at Harvard University. Before coming to HKS, Devon was a journalist with the *Wall Street Journal* based in Johannesburg, South Africa. She covered major companies, both domestic and multinationals, with a focus on mining, energy, and consumer goods. She also covered government policy and elections in Zimbabwe and South Africa.

Elizabeth Bennett is the Senior Editor for Interviews of the Africa Policy Journal. She is a second-year Master in Public Policy student at the John F. Kennedy School of Government at Harvard University. She previously lived in Johannesburg, South Africa, where she was the training manager and assistant director of microcredit for a small economic development nonprofit. Prior to her work in South Africa, she was a writer in the Office of Presidential Correspondence at the White House. She also has experience working with the Rwandan government. Elizabeth holds a bachelor's degree in economics from Vanderbilt University.

William J. Azébazé is the Senior Editor for Blogs of the Africa Policy Journal. He is in the Master in Public Administration/ International Development class of 2015 at the John F. Kennedy School of Government at Harvard University. He worked at the Ministry of Economy and Planning of Cameroon, where he advised his government on capital raising for and the implementation of the "Great Projects," big infrastructural, oil, gas, and mining projects so dubbed by the Cameroonian government as they are the pillars of its emergence policy. He holds a bachelor of applied mathematics from the University of Dschang, a degree of *Ingénieur Statisticien Economiste* from ENSEA d'Abidjan, and a master's degree in economic analysis from Universidad Carlos III de Madrid, all of them with distinction.

CONTRIBUTORS

Adema M. Sangale is an Edward S. Mason fellow at the John F. Kennedy School of Government at Harvard University. Adema Sangale spent sixteen years working for Procter & Gamble across Africa, Europe, and, most recently, North America. During this tenure, she was a board member on diverse pan-industry associations and chambers of commerce. She is most renowned for pioneering "bottom of the pyramid" solutions which brought global attention to the incidence of low-school attendance among girls during their menstruation. In 2012, she was nominated a New Generation Leader by the African Leadership Network and is a three-time honoree of the Top 40 under 40 Kenyans. Ms. Sangale holds an MBA from the University of Oxford which she attended as a Chevening scholar. Ms. Sangale's interests relate to the nexus between business and government—in particular creating win-win solutions between multinational companies and the emerging economies of sub-Saharan Africa.

Hillel J. Bavli is a Ph.D. student in statistics at Harvard, as well as a litigation attorney at the law firm Boies, Schiller & Flexner. His primary areas of practice are antitrust law, criminal law, and complex litigation. He currently teaches a seminar course, which he designed, on the economic analysis of law, as a teaching fellow in Harvard's Economics Department. Hillel is active in directing law and statistics projects in the U.S. and abroad, and he is currently engaged in developing applications of statistics to improve the effectiveness of law and the accuracy of legal outcomes.

Dr. Luis G. Franceschi is the Dean of Strathmore Law School and holds an LL.B. (UCAB), LL.M. (Nairobi) and LL.D. (Navarre) with a cum laude thesis on the African Human Rights judicial system. He has been teaching constitutional and international law and has published widely on law and ethics. His latest publications are *The African Human Rights Judicial System*, published in February 2014, and *The Constitution of Kenya 2010: A Commentary*, a 900-page commentary on the Constitution of Kenya, coauthored with Professor PLO Lumumba and published in July 2014.

Shillah S. Memusi is the research coordinator at the Strathmore Law and Policy Institute. She has a master of science degree in poverty and development from the Institute for Development Policy and Management at the University of Manchester. She has keen interest in participatory governance, gender and development, and representations.

Michelle Simon is a professional environmental scientist. She has twenty years of professional service across government, civil society, and the private sector. She has been an independent consultant for eleven years in the fields of environmental, social and economic research, assessments, and management. Her core work in the fields of environmental-geographical sciences encompasses environmental impact assessments, hydrological assessments and natural resource assessment, management and rehabilitation, climate change, and air quality impacts. In addition, she has intensive skills in project management and research arising from her work across the public-private sector. Her key work in each sector has been professional assessment, research, writing, and multimedia. She has also been a trainer and guest lecturer at various academic institutions since the year 2000, including lecturing to SADC postgraduate students in environmental science and management.

Moctar Aboubacar is a program officer at the World Food Program, stationed in West Darfur, Sudan. He previously worked for WFP on assignments in Rwanda and Italy managing the implementation of a rural resilience project and supporting the organization's global middle income countries pilot respectively. His primary area of interest is economic and social development on the African continent, and the role that emerging donor countries are playing therein. Moctar has conducted both academic and professional research on food security in middle income countries and development cooperation strategies of emerging aid donors. Moctar holds a master's degree in Korean studies from the University of Korea and a bachelor's degree in international development from Brown University.

Natasha Mbabazi is a Global Health Corps fellow at Malawi's Ministry of Health—Reproductive Health Directorate. Natasha previously conducted field research for Uganda's Ministry of Finance, where she monitored the budget efficiency and the sustainability of national health sector projects, and later secured a research fellowship assessing the UK's Department for International Development (DFID) and Japan's International Cooperation Agency (JICA) resource and prioritization considerations in Kenyan and Ethiopian health systems.

Reuben Muhindi recently completed his bachelor's degree in business science- financial economics at Strathmore University. His research interests are in development economics and public policy. As a research assistant at the Strathmore Law and Policy Institute, he has been involved in statistical and financial analysis of institutional reforms.

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We would like to recognize and thank the people who helped produce this year's journal. First, we thank Martha Foley, Assistant Director of Student Services, who provided endless support in our efforts to raise funds and expand the readership of APJ. Second, we would like to thank the Center on African Studies (CAS), the Mossavar-Rahmani Center for Business and Government, the Kennedy School Student Government (KSSG), the Malcolm Weiner Center for Social Policy, and the Africa Caucus at the Harvard Kennedy School for their words of encouragement and financial support. Special thanks go to HKS lecturers Richard Parker and Greg Harris for their editing and writing guidance. We also thank Hayes Taylor, our copyeditor at the Kennedy School, for his work to ensure the journal came together to meet the HKS student journal standards of excellence. Last but not least, we would like to thank all of our contributors who have turned their passions and research into Africa-related topics into well-formed and articulate academic articles and opinion pieces that we are proud to share with our readers.

Devon Maylie
Managing Editor, APJ

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EDITOR'S REMARKS

The 2014/2015 year has seen the expansion of the Africa Policy Journal (APJ), particularly to include a young, politically active, and tech-savvy, online African community. I am proud of our accomplishments and grateful to those who have seen us through this successful year. Mpumelelo Nxumalo, the former editor-in-chief was a fantastic advisor to me during the transition period and in my early months at the helm of the journal. Elizabeth Bennett, our senior editor for interviews, as well as the Africa Caucus board members, helped set the journal in motion by recruiting new editors during the 2014 Student Club Fair sponsored by the Kennedy School Student Government (KSSG). The journal quickly sprang into action on 26 September 2014 with an interview with Ghana's President John D. Mahama. Through the tireless efforts of William Azébazé, our senior editor for blogs, we launched the first APJ blog on 31 October 2014 with the inaugural post reaching nearly 2,000 of our followers on Facebook alone. During these early months, our managing editor, Devon Maylie, worked closely with both the Center for African Studies (CAS) and KSSG to secure funding for our activities and to make this edition possible. Finally, I express my deepest gratitude to the editors for their commitment to APJ throughout the year: Ahmed Warfa, Aviva Feuerstein, Alicia Bello, Caroline Gimmillaro, and Bhekinkosi Sibanda. Their dedication to promoting the journal and ensuring its quality is most evidenced by the impressive 60 percent growth we have experienced in our online followership since September 2014.

We launched our 2015 Call for Submissions on 17 October 2014. We reached a broad audience both within and beyond Africa through our website (http://apj.fas.harvard.edu), Facebook page, and targeted emails. Of note, this year we included a call for photography depicting the diverse societies, cultures, and histories of Africa. We received a total of twenty-four submissions including fourteen academic articles, six op-eds, one book review, and five photographs. We successfully conducted three high profile interviews this year, one of which, with Dr. Donald Kaberuka, President of the African Development Bank, is featured in this volume. Although we could not publish all of the submissions we received, I am inspired by the growing body of research-based policy analyses done by Africans and Africanists around the world, and I am honored to have had the opportunity to support their efforts through the journal.

The articles selected for this volume range in subject area from health care, to public-private partnerships, to international human rights litigation, and public financial management, to name a few. Across all of these, the theme of transformation is central. The authors identify

where the continent has and is making significant progress and reveal where transformations in governance, access to justice and social services, and business priorities on the continent could potentially mean leaps in advancing progress for all Africans. Dr. Kaberuka says it best in his exclusive interview with APJ, "it's not solely about economic growth; it's about economic transformation. It is structural transformation where everyone has an equal chance to prosper." The articles in this volume underscore that these transformative solutions are not only a matter of economics but are relevant to all areas of African society.

As we transition into a new generation of leadership for the 2015/2016 year, I am confident that the Africa Policy Journal will maintain a central role in the arena for dialogue on Africa's prosperity. Thank you for engaging in this conversation with us and for your continuous support.

Sincerely,

Ngozika Amalu

Editor-in-Chief, APJ

The Business of Government: Why Governments Need to Work Together with Business in Sub-Saharan Africa

BY ADEMA SANGALE

Adema M. Sangale is an Edward S. Mason fellow at the John F. Kennedy School of Government at Harvard University. Adema Sangale spent sixteen years working for Procter & Gamble across Africa, Europe, and, most recently, North America. During this tenure, she was a board member on diverse pan-industry associations and chambers of commerce. She is most renowned for pioneering "bottom of the pyramid" solutions which brought global attention to the incidence of low-school attendance among girls during their menstruation. In 2012, she was nominated a New Generation Leader by the African Leadership Network and is a three-time honoree of the Top 40 under 40 Kenyans. Ms. Sangale holds an MBA from the University of Oxford which she attended as a Chevening scholar. Ms. Sangale's interests relate to the nexus between business and government—in particular creating win-win solutions between multinational companies and the emerging economies of sub-Saharan Africa.

Taabu! Wahala! Trouble! If you speak the lingo in various African capitals, this might be how you hear businesses, particularly multinational firms, describe governments.

In return, many a government across the continent typically deign enterprise- related matters as beneath them and believe that companies should not take part in the grander more loftier goals of nation-building.

It is true that many multinationals see Africa as a destination to reap short-term, high-return rewards with their bags packed ready to leave as soon as the predictably volatile regime shows its true colors. This is reminiscent of the proverbial one-night encounter, a relationship doomed to die in the early blush of morning light.

I argue that the two parties are inextricably linked, committed to living under the same roof. As bedfellows though, they may

find themselves in the awkward position of having to sleep night after night facing opposite directions—back-to-back in the vein of a lover's quarrel.

Here is why.

Twelve years ago as a young marketing manager based in Lagos for Procter & Gamble (P&G), I woke to see the news headlines that the government had banned the importation of detergents. While this was clearly catastrophic news for my career prospects, it represented a relatively less consequential decision for my employer.

The decision to be made was whether to invest in building a local detergent factory whose financials might not pay out in many years given the uncertainty of what other political and regulatory decrees might ensue.

The global macroeconomic survey data underscored the relative riskiness of the proposition. The World Bank's ease of doing business index for 2014 clusters the majority of sub-Saharan African countries in the bottom half of the 189 countries ranked.

In the end, P&G built a factory probably influenced more by the passionate appeals of myself and other African employees, rather than pure economic rationale. This gamble paid off, and P&G enjoys a thriving business in Nigeria.

Many years later, I encountered a related dilemma while representing P&G as a senior executive in an Eastern African country. I met with the Minister for Health with a proposal to invest millions of dollars in a health education program targeted at reaching young adolescent girls and mothers of newborn babies. The official, however, was under strict instructions from the then Head of the State not to talk about anything other than building a factory—the kind that politicians love to cut ribbons to commission as a visible symbol of their contribution to progress!

This uncompromising stance seemed unreasonable given the country's weak negotiating position. According to the World Bank the combined GDPs of sub-Saharan Africa in 2013 were $1.6 trillion. The world's top ranked company by revenue is Walmart (Fortune 2014) at $0.5 trillion. The size of this one company equates to approximately 30 percent of the total riches of sub-Sahara. Net, the relative spoils for a multinational looking at numerous African countries appear microscopic.

The conversation with the particular country above stalled resulting in less investment as the unintended consequence.

The counterargument of African governments is that multinational firms are not in Africa for purely altruistic motives. According to the World Bank's development indicators as of 2013, the combined economies of sub-Saharan Africa grew by 4 percent—double the world average of 2 percent. This is supported by the exponential growth of foreign direct investment (FDI) from $1.2 billion in 1990 to $40.6 billion as of 2013. To use the French phrase "appeller un chat un chat"— "call

a cat a cat"—if these firms were not fulfilling their profit-seeking objectives, they would not be in Africa.

So why should African governments pander to the whims of these "foreigners," a.k.a. multinationals?

While there is a tendency to romanticize national pride and homegrown innovation, from a practical standpoint, there is no need to reinvent the wheel. The Harvard economist Ricardo Hausmann has a theory about the role of business in transferring know-how to an economy. Hausmann alludes to the success of the garment making industry in Bangladesh. He posits that this was not achieved via formal schooling but rather through a worker exchange program initiated during a joint venture with Korean investors.

These blossoming seeds of homegrown entrepreneurship that African governments love to tout as if running an economy was akin to tilling a piece of land are vastly overrated. Our formerly rural-based and now urbanized politicians would have us believe if only we could get these seeds flourishing we would soon have a rich and bountiful harvest to reap.

The reality is that in an increasingly globalized world there already exist far more efficient and scalable methods of "farming." The multinational corporation is a vehicle to transmit that know-how from one part of the corporate empire—that is to say one country that it does business in—to another.

Marriage is the answer to our future joint economic prosperity. It gives us roots, a reason to say let's buy a home together, have children, join the PTA, etc. This union is a for-better-or-worse relationship that forces us both (businesses and governments) to take a longer-term view on things. Take the leap, tie the knot. The two of you make for strange bedfellows, but indeed both cannot do without the other. That is the business of government and the governance of business. Siyabonga! Thank you as I end on a hopefully less troubled note.

Seeking the Political Kingdom: Changing the Way We Deliver Humanitarian Aid

BY MOCTAR ABOUBACAR

Moctar Aboubacar is a program officer at the World Food Program, stationed in West Darfur, Sudan. He previously worked for WFP on assignments in Rwanda and Italy managing the implementation of a rural resilience project and supporting the organization's global middle income countries pilot respectively. His primary area of interest is economic and social development on the African continent, and the role that emerging donor countries are playing therein. Moctar has conducted both academic and professional research on food security in middle income countries and development cooperation strategies of emerging aid donors. Moctar holds a master's degree in Korean studies from the University of Korea and a bachelor's degree in international development from Brown University.

The United Nations has recently launched the largest ever appeal for funds to deal with humanitarian emergencies in its history, asking the international community for $16.4 billion in donations.[1] While a large portion of the funds are to address the crisis in Syria, there is a multitude of ongoing conflicts and other emergencies on the African continent, each requiring astronomical influxes of cash to keep support flowing to the needy.

But are emergency humanitarian interventions, run by United Nations agencies and other international actors, formulating the right response to crises? The African continent counts a number of countries which, having experienced repeated political shocks, have been unable to recover for years. These include Sudan and South Sudan but also Libya, the Central African Republic, Somalia, and the Democratic Republic of Congo. Given the protracted nature of these crises and the increasing difficulty in raising funds, assistance provided to the peoples of these countries, spearheaded in many instances by the United Nations and its development agencies, needs to be a catalyst for recovery and development, not just a temporary fix catering to immediate needs.

Emergency aid actors are rightly focused on providing the proper support to people in dire need. This often means a high priority on technical and

logistical fixes (such as the ability to move thousands of tons of food supplies to needy populations in hard-to-reach areas or the ability to perform rapid household surveys and determine the extent of an emergency), which work within the bounds of national institutional and policy frameworks (where they exist). Success is therefore measured in great part on the efficiency of service delivery and the immediacy of the impact on affected populations.

Effective though actors such as the UN's World Food Program (WFP) and Refugee Agency (UNHCR) have become at spearheading the humanitarian first response to crises across Africa, this has often been at the expense of political and policy engagement with governments and different factions. Yet, it is precisely this type of engagement which can best build sustainable exits from crises, giving reason to the old state-building quote by former Ghanaian President Kwame Nkrumah: "Seek ye first the political kingdom."

Sudan's Darfur conflict is a good illustration of the international community's failure to address shifting humanitarian needs through political engagement. Genocide or not,[2] the crisis that started in Sudan's Darfur region in 2003 created millions of internally displaced persons (IDPs) and refugees, fleeing from a series of intercommunity conflicts and insurgency/counterinsurgencies involving farmers, pastoralists, independence groups, and government-backed militias. The first international humanitarian response was to mobilize an established toolbox of measures: the establishment of refugee and IDP camps and the provision of immediate food aid, in the form of monthly food distributions, to those fleeing the conflict.

Yet, the face of the Sudanese conflict has evolved over the last decade; many IDPs have settled into their new communities, and many are now less vulnerable than some local residents. There have been few efforts to promote self-sufficiency among the IDP populations in Darfur, as continuing emergency-level intervention has meant that IDP status entitles one to unconditional monthly food distributions, distributions of nonfood items such as tools or material to build houses, and other benefits.

Faced with a gradual decline in aid dollars,[3] humanitarian organizations have recently begun taking some first steps toward transitioning their assistance to support recovery and development activities. The International Organization for Migration (IOM), along with the United Nations Development Programme (UNDP), have begun providing incentives for IDPs in certain areas to return to their communities of origin, offering one-off support in seeds, agricultural tools, and vocational training. In the past year, UNHCR and WFP have started developing better vulnerability profiling in order to condition support on the vulnerability status of a household, not simply their status as IDPs. WFP is currently

preparing to transition its Sudan program from one focused on emergency food assistance to more agriculture and livelihood-building support.

Positive though these changes are, they need to be better supported by increased interaction with domestic actors, especially the Sudanese government. In order to ensure the proper support and sustainability, organizations need to start complementing their nascent transition and recovery programs with robust political engagement. Humanitarian actors continue to work within and rely on the policy frameworks that are already in place, which, in a conflict environment characterized by contingent relations among the main actors, can act as a barrier to successfully implementing long-term recovery strategies.

The Sudanese government has an ever more strained relationship with UNAMID, the joint African Union-United Nations peacekeeping mission in Darfur, even while it is engaging in peace talks with various factions.[4] There are also various armed factions, which vacillate between starting and breaking off peace talks,[5] and militia, relics of the feared *Janjaweed*, whose affiliations are not always clear.[6] In addition to the plethora of actors, there is a basic difficulty in knowing who to talk to on the other side of the table: depending on the locality and personalities, the best office to address can range from the line ministries, to the central government, to the national Humanitarian Aid Coordination, or even the intelligence services.

More worrying still is the pressure under which international agencies and organizations have come from a Khartoum eager to limit humanitarian operating space. On several occasions, UNHCR, Médecins sans Frontières, and others have seen their staff expelled from the country.[7] More recently still, the government has ordered the closure of UNAMID's human rights office after an investigation by the peacekeeping mission into allegations of large-scale rape by government forces.[8] To cope with a government averse to the term "Protection" when dealing with IDPs, the World Food Programme has gone as far as to change the title of its beneficiary protection work to the vaguer-sounding "Humanitarian Principles." Faced with a complex political situation, ongoing low-intensity conflict, and restrictive government policies, UN humanitarian agencies and other humanitarian actors have chosen to simply keep operating within an ever-shrinking humanitarian space, rather than trying to redefine the bounds of that space.

The same is true of other African conflicts which generate a large influx of aid; emergency humanitarian actors seldom take up long-term political engagement during the emergency itself. Those actors who are engaged politically are often also military actors, as is the case with the peacekeeping missions in the Democratic Republic of Congo, the Central African Republic, or Mali. It is furthermore unclear that these

entities are closely coordinating with humanitarian actors on the ground for long-term development.

This applies less to nonconflict humanitarian emergencies, which tend to be regularly recurring. Humanitarian actors have become reliable partners of African governments in developing resilience to drought and other natural emergencies, as evidenced by WFP and UNICEF's support to the government of Niger's homegrown food-related social safety nets and emergency nutrition support programs.

But there are also many ways in which humanitarian actors in conflict or postconflict situations can begin to think and act politically. While political engagement does not only mean engagement with the government, government support can be critical to achieving results on a recovery and development agenda. Steps that humanitarian organizations can take include policy advocacy. By taking a more active role in setting the policy agenda, humanitarian organizations can bring up underdiscussed or avoided issues like human rights and protection, support government efforts to deal with emerging development issues which can accompany political development, and hold political actors at national and local levels accountable to their engagements and constituencies.

Another viable path is support to government policy formulation. UN agencies have unique expertise in supporting governments to formulate policies, strategies, and programs. Agencies could use the policy formulation window to support the proper rollout of much-needed social policies. The World Bank has recently undertaken a review of social safety nets in the country,[9] providing policy recommendations for the government to scale up its existing social protection systems and to develop a National Social Protection Policy. While certain humanitarian actors such as UNICEF have a record of being more active on the policy front, other organizations with a more traditionally "field" emphasis could still contribute to the formulation of such a policy in significant ways. In the case of Sudan, WFP currently has the most comprehensive census data on Darfur's IDP population, which is invaluable in determining the scale and type of social protection needed in the country's most underserved regions.

Broader regional policy dialogues, tied to regional and international peace processes, are yet another possible way of engaging politically. A stronger presence of humanitarian actors at these fora could send the message that peacebuilding and reconstruction efforts in Darfur should be closely tied to the ongoing humanitarian work.

No matter the avenue, humanitarian actors must devote more resources to engaging especially the governments on long-term recovery and development, even while the emergency is ongoing. As international organizations

entering a conflict situation, even the technical, service delivery work that is part of the standard emergency response toolbox is intrinsically political. The very presence of organizations dispensing aid in conflict and postconflict environments cannot escape the political.[10] Humanitarian aid should not deny this political nature but rather embrace it more fully to achieve its aims.

Humanitarian emergencies on the continent are not one side of a dichotomy which would consist of an initial period of purely relief-oriented "emergency assistance," followed by a separate period of "development assistance." The slow process of assisting a country in coping with a humanitarian emergency demands both a strong presence on the ground and in the boardrooms; the earlier the international actors are so engaged, the better.

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Private Sector: Protect Your Bottom Line and Invest in African Health Systems

BY NATASHA MBABAZI

Natasha Mbabazi is a Global Health Corps fellow at Malawi's Ministry of Health—Reproductive Health Directorate. Natasha previously conducted field research for Uganda's Ministry of Finance, where she monitored the budget efficiency and the sustainability of national health sector projects, and later secured a research fellowship assessing the UK's Department for International Development (DFID) and Japan's International Cooperation Agency (JICA) resource and prioritization considerations in Kenyan and Ethiopian health systems.

For any resident of Malawi wanting to operate a vehicle legally, time at the road traffic department is a rite of passage. Perched at my favorite lunch spot across the street from the building, I pay particular attention to the tell-tale indicators of a changing society—namely the amount of East Asians queuing with Malawians. I recently met a Chinese business owner in the restaurant who splits time between Zambia and Malawi working with pharmaceuticals and medical equipment. While he lauded the number of opportunities in Africa, I thought of the private businesses benefitting from the growing market for goods and services, relatively low startup costs, cheap labor, and increasing disposable income. But as a public health professional, I can't help but to think of how vital healthy and able-bodied consumers and employees are for productivity and robust bottom lines. The private sector should view investing in health systems as an investment in their bottom line and sustainability in their business.

Not all business owners on the continent are feeling as confident as my new acquaintance. Companies and investors in West African countries severely afflicted by the Ebola virus are certainly seeing the effects on their revenues. The long-term impact of the disease on the region's economy is yet to be seen. However, there is no doubt that ill or deceased personnel and customers, interruption in supply-chain processes, and the reluctance of potential investors means the economic impact of Ebola is unequivocally felt. While many factors contributed to the spread of the disease, the weakness of

national health systems cannot be discounted. As such, companies should help support health ministries in fostering the well-being and thus the productivity of local populations by investing in local health systems. Non-governmental organizations play an immense role in delivering services where public health facilities are unable to do so. But when a crisis of this magnitude hits a country, NGOs should not supersede the role of government. This current epidemic is beyond the capacity of NGOs who, in theory, should only serve as a stopgap in response to inefficient health systems.

To the credit of many in the business community, CSR (corporate social responsibility) and PPP (public-private partnerships) have become "doing business in Africa" buzz acronyms. A company who exemplifies this on a microlevel is Firestone, whose rubber plantation in Harbel, Liberia, hosts 80,000 employees and operates its own health facilities. Unlike the Liberian government, Firestone was able to stop the spread of Ebola promptly in its community because they had the "benefit of . . . resources of a major corporation," something neighbors outside of the plantation sorely lacked.[1] Firestone also opens its health facilities to the wider community, but its efforts are still localized. Epidemics have no regional boundaries and a health ministry's mandate is to serve every district within a country. Therefore, the business community, regardless of the sector, should focus more CSR efforts on bolstering the work of national health ministries.

A company does not have to be a large multinational corporation to play a role in achieving better health outcomes. A nation's health sector has many long-term objectives where immediate needs of health facilities are left unmet. At Malawi's Ministry of Health, the Reproductive Health Directorate facilitates a fundraising taskforce that works to alleviate the most pressing challenges facing providers and patients by sourcing materials and funds from the business community. In its first year, they raised over MWK500,000 towards pillow covers, sheets, mattresses, and surgical draping cloths. There are plenty of opportunities for small, private companies to invest directly in better health service provision.

Government has a concurrent role to play in advocating for support from the business community. Lawmakers first have to implement policies that act as guiding frameworks for how companies formally adhere to CSR efforts and then create an environment that allows both sectors to come together to execute more coordinated and strategic efforts. Relevant parliamentary bodies should consider including these ideas when drafting trade and business legislation. A cross-ministerial approach involving the ministries of health, trade, and foreign affairs via a committee can develop strategies to promote private sector investment in a nation's health system. The committee

can collaborate with its country's trade representatives abroad and with foreign embassies hosting trade missions to work on the committee's behalf. Additionally, CSR for health systems can be incorporated into economic development initiatives such as one-stop business information centers. There will no doubt be concerns about corruption. It's essential that a government has protocols in place that demonstrate its commitment to transparency and accountability. This is where partnership and technical assistance from NGOs with expertise in this arena can help reassure both the public and private sector.

After Ebola's devastating effects in Liberia, Guinea, and Sierra Leone, it should be an easy sell to the private sector to invest in CSR strategies that work with government health systems to fulfill their mandates for healthy, productive societies. For a long-term thriving business environment that remains attractive to both local and international business communities, other African governments should react in a proactive manner.

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[1] Jason Beaubien, "Firestone Did What Governments Have Not: Stopped Ebola In Its Tracks," NPR, 6 October 2014.

The Bright Continent: Breaking Rules and Making Change in Modern Africa

By Dayo Olopade
(Houghton Mifflin Harcourt, 2014)
REVIEWED BY ALICIA OLAYINKA BELLO

Alicia Bello is the senior editor for book reviews and a joint degree candidate at the Harvard John F. Kennedy School of Government and Harvard Law School. She is a member of the Law and International Development Society and conducts research on social entrepreneurship and innovation in Africa. She previously worked on governance programs at the National Democratic Institute in Washington, D.C., and provided input on governance proposals and programming in the Central and West Africa region. Alicia is a native of Nigeria and graduated with high honors from Spelman College in 2011 with a degree in political science.

Dayo Olopade's first book is a buoyant foray into the ingenuities that make the African continent tick. Olopade contends that our preoccupation with formal institutions and processes ignores the continent's greatest assets. While few will dispute the current deficiency in African governance, *The Bright Continent* argues that services are being delivered through a mixture of perseverance and creativity. Olopade terms this entrepreneurial spirit "kanju"—a Yoruba word that means to "be in a hurry" or to "make haste." Africans across the continent are circumventing the failures of their governments and leapfrogging their development. Over the course of three years, Olopade travels across the continent to get firsthand accounts of the uniquely African innovations that are changing the face of the continent. The result is a riveting collection of well-researched vignettes about thriving social entrepreneurship in the midst of adversity. Such stories include: Umande Trust, a Kenyan organization that creates public toilets which convert human waste into biogas; Virtual City, a mobile solution for supply chain management in agriculture; and Sproxil, a SMS platform

for identifying and reporting counterfeit medication. Olopade suggests that by looking to family networks, technology, business, geography, and favorable demographics, we can begin to identify the most dynamic and authentic African institutions.

However, "haste" has its costs, and at times Olopade's optimism borders on the precipice of peril. Like the infamous parable of the frog in boiling water, adapting to dysfunction can have deadly consequences. For example, she describes the parade of vehicles crisscrossing the continent for Google's Street View project and compares it to the bigoted and egotistical practices of European cartographers of centuries past. Yet, while there may be some bitter truth in this parallelism, her notion that African cities are high-context environments where formal addresses are "beside the point" undermines reality. Context clues can only be relevant when you have some context to begin with. What does this state of maplessness mean for the migrant worker from a distant village, the diaspora returnee eager to make a difference, the foreign investor hoping to make a fortune, or someone who is just simply lost? While the African spirit is dauntlessly resilient, some things should be celebrated and others require much deeper examination and introspection. The challenge remains for African policymakers to face neither East nor West, but forward.[1]

Nonetheless, this book is a must read for every Africanist who is pessimistic, skeptical, or inquisitive. *The Bright Continent* is a bold and unequivocal declaration not only that Africa is rising, but how and why.

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[1] Kwame Nkrumah, Accra, Ghana, 7 April 1960, Speech.

The Cost of Devolution in Kenya: A Cost Analysis of the New Governance Framework Introduced by the 2010 Constitution of Kenya and Its Impact on the Country's Public Finance

BY DR. LUIS G. FRANCESHI, SHILLAH S. MEMUSI, AND REUBEN MUHINDI

Dr. Luis G. Franceschi is the Dean of Strathmore Law School and holds an LL.B. (UCAB), LL.M. (Nairobi) and LL.D. (Navarre) with a cum laude thesis on the African Human Rights judicial system. He has been teaching constitutional and international law and has published widely on law and ethics. His latest publications are *The African Human Rights Judicial System*, published in February 2014, and *The Constitution of Kenya 2010: A Commentary*, a 900-page commentary on the Constitution of Kenya, coauthored with Professor PLO Lumumba and published in July 2014.

Shillah S. Memusi is the research coordinator at the Strathmore Law and Policy Institute. She has a master of science degree in poverty and development from the Institute for Development Policy and Management at the University of Manchester. She has keen interest in participatory governance, gender and development, and representations.

Reuben Muhindi recently completed his bachelor's degree in business science-financial economics at Strathmore University. His research interests are in development economics and public policy. As a research assistant at the Strathmore Law and Policy Institute, he has been involved in statistical and financial analysis of institutional reforms.

Abstract

Successful constitutional processes and institutional reforms require huge economic, legal, human, and political resources. However, Kenya's new constitutional dispensation, seen as the solution to poor governance, unfavorable economic policies, imprudent natural resource management, and rising incidences of poverty, was spearheaded without a costing matrix. As a result, there has been increased financial pressure, including higher taxation and external borrowing to finance a bulging and unplanned wage bill, coupled with the misuse of public funds by newly elected state officers to offices that did not exist before.

The success of Kenya's new devolved system will only be guaranteed if its actual and real costs are clearly established through verifiable data and parameters. The country's financial system is bleeding, and the government is addressing its deficit by the simplistic adjustment of an increased tax burden. The private sector is shrinking, and unemployment is increasing. This will jeopardize the realization of the bill of rights as set out by the 2010 Constitution.

This research aims at analyzing the cost of implementing the new governance framework, as set out in the 2010 Constitution of Kenya, taking into consideration all additional and collateral costs and its impact on the country's revenue generation and expenditure patterns. This has been done using estimates and current expenditures obtained from official Budget Policy Statements and Budget Review and Outlook Papers published by the National Treasury, as well as payment structures provided by the Salaries and Remuneration Commission.

The results show a remarkable increase in operating costs, with salaries of new offices alone totaling KSh 194,886,910 against a KSh 521,610,000 national wage bill. County governments are already operating at a deficit of KSh 27,915,051, with recurrent expenditure outweighing development expenditure. Institutional reforms, such as the ones carried out in the Judiciary, have resulted in an actual increased expenditure by 26.2 percent, 89.7 percent, and 63.8 percent in the 2010/11, 2011/12, and 2012/13 financial years, respectively.

Even though Kenya is considered a regional economic giant with vast natural resources, the country needs to rethink revenue generation avenues and regard for basic principles

of financial thriftiness by state officials. Development expenditure has reduced drastically in Kenya. The blame is being placed on the process of implementation of the 2010 Constitution.

Background

The centralized system of government that Kenya had until 2010 is largely blamed for promoting and sustaining poor governance in Kenya. Yash Pal Ghai argues, "There was wide-scale perception, which statistics support, that the centralized state has, for the last fifty years, singularly failed to promote economic and political development, and that only a few areas and a small elite had benefited from the policies of the government."[1] Absence of an adequate and enforceable code of ethics and normative standards for the public service has, since independence, created a public service which is constantly weighed down by problems such as corruption, poor governance, and mismanagement of resources among others.

Kenyans thus "desired to create a society undergirded by all the ideals, values, and principles of governance expressed in Article 10 of the Constitution—the rule of law, democracy, human dignity, social justice, human rights, the principles of good governance and accountability, among others."[2] The 2010 Constitution seeks to fundamentally restructure the core institutions of governance, thereby reforming the Executive, the Legislature, and the Judiciary.

The 2010 Constitution introduces national values and principles of governance which include sharing and devolution of power, the rule of law, democracy and participation of the people, good governance, integrity, transparency and accountability, and sustainable development among others.

Notably, the 2010 Constitution establishes national and county governments in a structure that entails sharing of political, administrative, and fiscal responsibilities between the two levels of government. With this new structure, there are now 349 members of the National Assembly and 68 members of the Senate compared to the previous 222 members of Parliament. According to Mugambi Laibuta, "the increase in numbers was informed by the need for greater equitable representation for the citizens in general, women, youth, persons with disabilities, and historically marginalized groups."[3]

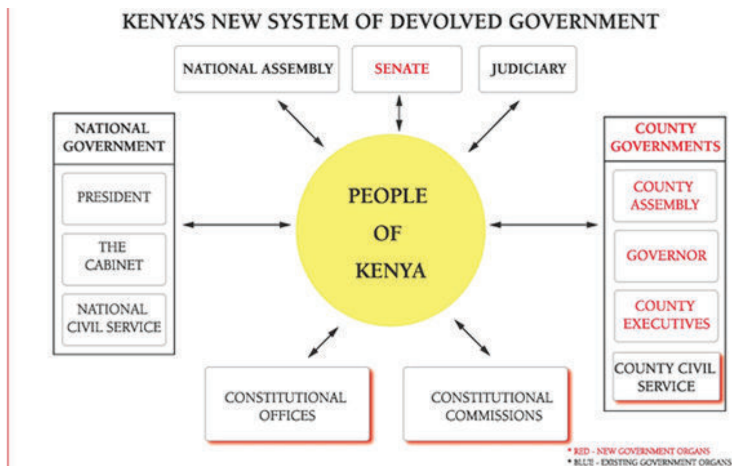
Enormous economic, human, political, and legal resources are required to implement constitutional processes and institutional reforms. As a developing country, Kenya relies heavily on financial aid to implement its development efforts. The financial support of development partners and international organizations, therefore, came in handy during the creation process of the 2010 Constitution, but the burden of implementation heavily lies on the shoulders of the country's taxpayers. During its creation, and without a costing matrix, concerns were raised about the financial cost of implementing the Constitution. These concerns—coming mainly from opponents of the new Constitution—were, however, not strong enough to stop its promulgation.

In its second effective year, there is need for reflection on whether the concerns of the opponents of the Constitution should have been taken into serious consideration. Present circumstances considered, it would have been prudent to carry out a cost analysis of the implementation aspect of the Constitution to provide a clear picture of its financial implication.

Njeru Kirira highlights the 2010 Constitution's introduction of fundamental changes in the management of public finance, changes that received little or no attention prior to the referendum and the subsequent promulgation of the Constitution. Unfortunately, Kirira points out, politicians shied away from discussing matters of the tax burden and concentrated on preaching the gains to be made in resource sharing.[4] Therefore, a lot remains to be done to make Kenyans appreciate the fact that, in public finance, nothing is free. Every benefit must be paid for by somebody in the form of taxes or debt.[5] With ongoing implementation, issues that were ignored have to be dealt with and solutions found to the problems and challenges that continue to emerge.

Taking the aforementioned factors into consideration, this research paper aims to highlight the importance of constitutional drafters being explicit with and experienced on cost analysis and financial implications when presenting draft legislation and/or amendment bills to citizens. This is especially so because effective governance calls for the management of public expectations and the creation of realistic scenarios in institutional reforms undertakings that take into account the impact the same would have on the taxpayers.

Figure 1 - Novelties of the new constitution



Source: http://www.crakenya.org/functions-of-national-government/

Figure 1 shows the government of Kenya structure that came into full operation after the general elections on 4 March 2013. There has, however, been an increase in the number of preexisting organs, indicating an increase in personnel and operation costs that ensue. Consequently, the relationship between the devolved government functions is as in Figure 2. The new structure provides more room for citizen participation that was otherwise unavailable in the postindependence governance framework.

The Cabinet

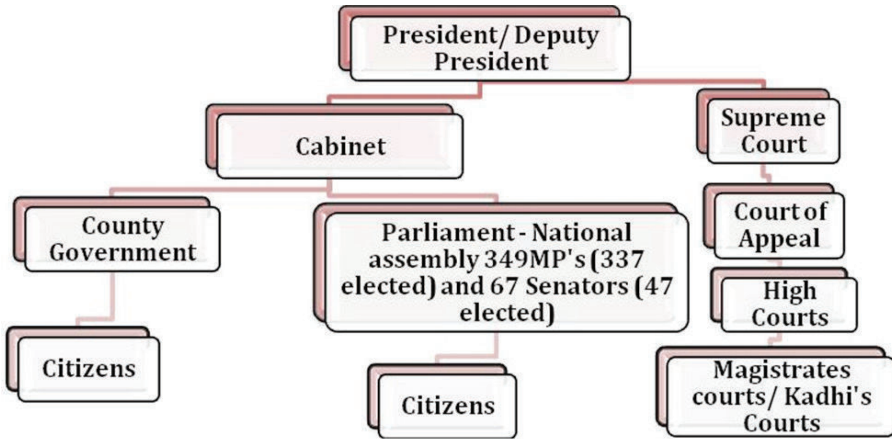
The Cabinet is part of the national executive as established by Article 130 (1) of the 2010 Constitution.[6] Article 152 (1) (*d*) establishes that the cabinet should consist of not fewer than fourteen and not more than twenty-two Cabinet Secretaries. These are nominated by the President and approved by the National Assembly. Article 155 (1) establishes the office of Principal Secretary. The Principal Secretary is also nominated by the President following recommendations by the Public Service Commission and appointed upon approval by the National Assembly.

The current cabinet is composed of eighteen Cabinet Secretaries and twenty-six Principal Secretaries.

Legislature

Article 93 (1) of the 2010 Constitution establishes a two-tier legislative house composed of the National Assembly and the Senate.[7]

Figure 2 - Relationship between the devolved government functions



Source: http://katibainstitute.org/new/politico-constitutional-structure-and-the-politics-of-devolved-government-in-kenya/

Senate

Article 98 (1) states that the senate shall consist of: (*a*) forty-seven members each elected by the registered voters of the counties, each county constituting a single member constituency; (*b*) sixteen women members who shall be nominated by political parties according to their proportion of members of the Senate elected under clause (*a*) in accordance with Article 90; (*c*) two members, being one man and one woman, representing the youth; (*d*) two members, being one man and one woman, representing persons with disabilities; and (*e*) the Speaker, who shall be an *ex officio* member.

National Assembly

Established by Article 95 of the Constitution, the National Assembly is composed of 290 members, each elected by the registered voters of single member constituencies; 47 women, each elected by the registered voters of the counties, each county constituting a single member constituency; 12 members nominated by parliamentary political parties according to their proportion of members of the National Assembly in accordance with Article 90, to represent special interests including the youth, persons with disabilities, and workers; and the Speaker, who is an *ex officio* member.

Judiciary

Article 160 (1) of the Constitution establishes the judiciary's independence by stating that in its exercise, it shall be subject only to this Constitution and the law and shall not be subject to the control or direction of any person or authority.[8]

Commissions and Independent Offices

The commissions and independent offices of the government of Kenya are created by Chapter Fifteen of the Constitution or acts of Parliament. They are independent and not subject to direction or control by any person or authority. Article 249 (1) asserts that the objects of the commissions and the independent offices are to: (*a*) protect the sovereignty of the people; (*b*) secure the observance by all State organs of democratic values and principles; and (*c*) promote constitutionalism.[9] The constitutional commissions are:

1. Kenya National Human Rights and Equality Commission
2. National Land Commission
3. Independent Electoral and Boundaries Commission
4. Parliamentary Service Commission
5. Judicial Service Commission
6. Commission on Revenue Allocation
7. Public Service Commission
8. Salaries and Remuneration Commission
9. Teachers Service Commission
10. National Police Service Commission
11. Commission for the Implementation of the Constitution

Created by Acts of Parliament

1. Ethics and Anti-Corruption Commission

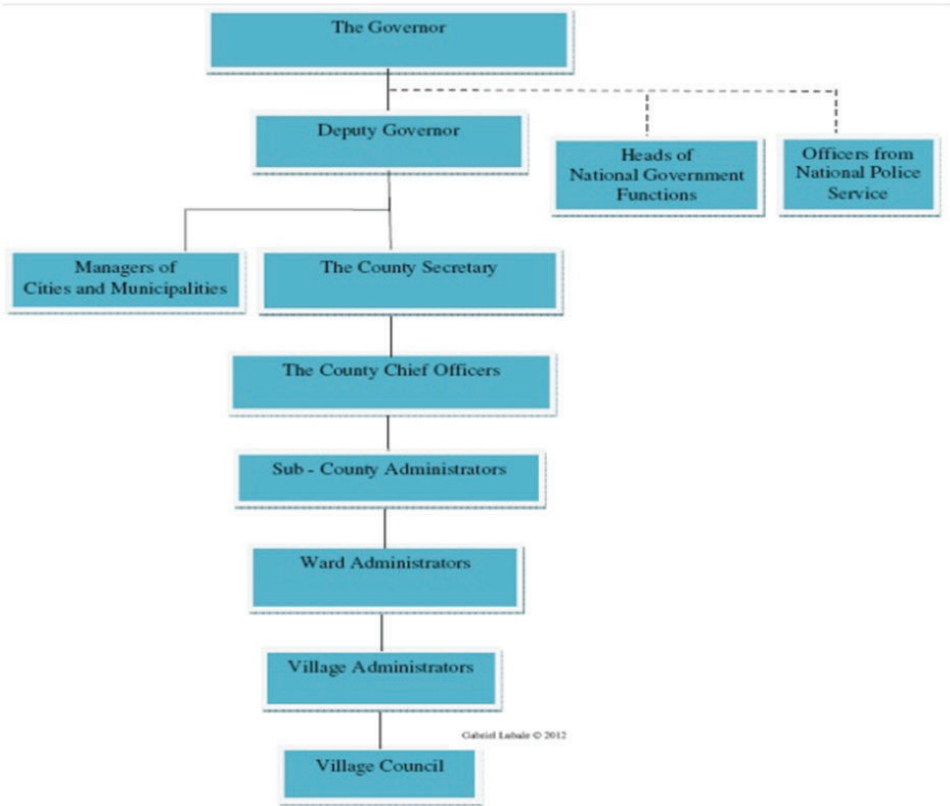
Independent Offices

1. Auditor-General
2. Controller of Budget

Devolved Government

Article 176 (1) of the Constitution establishes a county government for each county, consisting of a county assembly and a county executive. Every county government shall decentralise its functions and the provision of its services to the extent that it is efficient and practicable to do so.[10] County governments established under the Constitution shall reflect the following principles: be based on democratic principles and the separation of powers;

Figure 3: Devolved executive government structure



Source: http://gabriellubale.com/an-introduction-to-the-county-governments-of-kenya/

have reliable sources of revenue to enable them to govern and deliver services effectively; and no more than two-thirds of the members of representative bodies in each county government shall be of the same gender.

The new operating structure is illustrated in Figure 3.

Implications of the New Framework on Public Finance

Careful management of the implementation process is important if financial mismanagement is to be avoided. Article 201 of the 2010 Constitution provides the guiding principles and a framework for public finance. These provisions were significantly influenced by the need to correct past executive excesses and abuses,[11] and if strictly adhered to, they can

alter policy formulation and the management of public resources for the better.

Devolved Government

Authority over public finance has been substantially transferred from the executive and traditional institutions like the Treasury to elected leaders in both the National Assembly and the county legislatures.

Article 215 establishes the Commission on Revenue Allocation (CRA) with the responsibility to make recommendations on the criteria for equitable sharing of national revenue and other matters relating to financial management by county governments. Other constitutional offices established under chapter 12 of the 2010 Constitution with implications on the decentralised framework of governance include the following: a) the Controller of Budget (CoB) to oversee the implementation of the national and county budgets by authorizing withdrawals from public funds; b) the Auditor-General to audit the accounts of all entities funded from public funds, including national and county governments; c) the Salaries and Remuneration Commission to regularly review and set remuneration and benefits of all State officers and public officers within the national and county governments.[12] The Constitution thus introduces significant changes in public finance management. These new institutions have varying powers and responsibilities over the management of public finances at the national and subnational level.

Albert Mwenda clearly describes fiscal decentralization as the "transfer of financial authority to the subnational governments by reducing the conditions on the intergovernmental fiscal transfer of resources and granting subnational units greater authority to generate their own revenue."[13] Fiscal decentralization involves changing the locus of revenue generation, primarily, but also offers expenditure autonomy. Through this dimension, Othieno Nyanjom points out that the central agency assigns some revenue generation responsibilities to subnational agencies, whether the product enters the central kitty or is retained at the collecting agency for local spending.[14]

Article 209 assigns the national government responsibility over most of the taxes with sizeable tax bases: income tax, value-added tax, customs duties, and excise tax. The four taxes make up approximately 83 percent of the national revenue collected by the national government. The county governments have been assigned responsibility over taxes with immobile and narrow bases, such as property and entertainment taxes. In addition, county governments have also been empowered to raise revenue by imposing charges on services provided at the local level.

> The taxation burden (Article 209) and resulting revenues are to be shared fairly across the two government levels for the

attainment of inclusive equitable development. All government revenues must first be paid into the Consolidated Fund, before they are withdrawn through an Act of Parliament (Article 206). Article 203 provides the criteria for sharing out the annual government revenue ring-fenced for county governments, currently set at a minimum of 15 percent. Article 204 also provides for an initial 20-year Equalization Fund of 0.5 percent of annual national revenues, to be spent with advice from the Commission on Revenue Allocation (CRA), for redressing primary social and physical infrastructure inequalities in marginalized areas (Articles 215–217).[15]

The county level equivalent of the National Consolidated Fund will be the Revenue Fund into which county revenues (Articles 209(3)–(5), 218, 219 & 224) and Treasury subventions (Article 220) will be deposited. Counties will be able to augment their financial resources through entertainment taxes, property rates and any other taxes permitted by Parliament (Article 209(3)). Some county governments will also be eligible to access the Equalization Fund, which amounts to 0.5 per cent of annual national government revenues (Article 204). County governments will also, under Article 212, be allowed to borrow, subject to a guarantee issued by the national government and with the approval of county assemblies.[16]

These sources of revenue offer little scope for counties to grow their revenue, suggesting that counties will rely heavily on the central government for financing the bulk of their budgets.[17] As Wolfgang Fengler and Aurelien Kruse emphasize, Kenya's new counties will be able to claim a chunk of the national pie, but they will also inherit significant spending responsibilities.[18]

Article 203 of the public finance chapter of the Constitution sets the annual transfer from the national government to the county government at a minimum of 15 percent of the national revenue based on the most recent audited accounts, with Article 174 (g) pointing out a key objective of devolution: ensuring equitable sharing of national and local resources throughout the country.[19]

Balancing resource allocation will take a while, which would then impact equity of access to services. This is especially challenging for the government as many Kenyans expect dramatic change from devolution: improved infrastructure, employment opportunities, and better public services.

Kenya is characterized by regional disparities in income, resource endowments, and economic development. Curiously, *The East African* points to reports from the Local Authorities Transfer Fund

(LATF) showing that "many of the poorest and most sparsely populated local authorities fail to spend their entire budget during the financial year. Yet, they are precisely the counties that the Commission on Revenue Allocation's proposed formula aims to benefit with significantly increased resources."[20] This failure jeopardizes access to essential services, and in the end, allocations will have no real impact on the economic growth or the welfare of the local population. Sound economic rationale and not regional equalization criteria should, therefore, guide investment decisions.

Wangari Muikia and Kathy Whimp argue that the "funding follows function" principle designed to ensure as close as possible a match between expenditure needs and resources is the golden rule of decentralization: "Counties should receive enough funds to run the functions given to them by the Constitution. Yet, counties should not receive much more than they need because, firstly, it could leave the national government unable to resource its functions, and secondly, it may encourage irresponsible spending at the county level, especially if controls are weak. By the same token, counties should not receive less than they need since this would mean lower levels of service or interrupted provision."[21] This is only possible where functions are clearly defined, making it easily possible to specify exactly what services counties are in charge of and how much they cost. However, the Fourth Schedule of the Constitution only defines the functions of counties broadly without stating clearly who should pay for all the different detailed activities of government.[22]

Even with this legislation in place, the capacity to manage the funds is lacking in most regions. As Mwenda reports, most local authorities in Kenya do not have the capacity to maintain up-to-date books of accounts, lowering the quality of the reports. He highlights the fact that in most cases, the reports, in particular the abstract of accounts, were prepared to meet the requirements for the LATF. In addition, the current system of local governments is characterized by weak accounting and reporting, with a majority of the local authorities being unaware of the International Accounting Standards (IAS), International Public Sector Accounting Standards (IPSAS), and the International Financial Reporting Standards (IFRS).[23] The quality of personnel and political leadership is also a major challenge. Historically, local councils have been characterized by public quarrels, frequent fighting, and poor revenue mobilization. With an apparent lack of capacity to handle what they were already doing, additional responsibilities may worsen the situation.

Articles 202 and 204 of the Constitution provide for the transfer of revenue to the county governments, with or without conditions. The LATF laws and regulations did not require the

local governments to match the central government grant or part of it with contributions from their own revenue source. Evidence suggests that the lack of matching conditions in the transfer regulations may lock county governments' potential for their own revenue collection.

Nyanjom argues that having a clear expenditure assignation between the center and the devolved entities is imperative to insure against contested responsibilities in service provision, production, or delivery. Devolution frameworks should, therefore, ensure revenue assignation to secure adequate and timely fiscal capacity for devolved units to deliver services.[24]

In his analysis, Mwenda suggests that subnational units that demonstrate the ability to put borrowed funds to good use and repay their debts should be given more flexibility to determine the borrowing thresholds, as opposed to using a "template approach" that seeks to standardize the management of the subnational borrowing. Additionally, strict government controls should be applied in borrowing by local governments that have limited fiscal capacity for revenue mobilization, and to repayment of loans. He argues that these measures would motivate subnational governments to exercise prudence in the management of their debt.[25]

The degree of devolution of spending and revenue-raising responsibilities has significant implications for the central government's ability to conduct macroeconomic policies through the budget. Ultimately, the success of decentralization is dependent on the design and implementation of the decentralization framework.

Mwenda asserts that

> Large vertical imbalances, in favour of the national government, may have some negative effects. First, they may create expectation of gap-filling transfers by the national government to the subnational governments. Second, they may lead to deficit financing and excessive debt accumulation by the subnational governments, especially in respect to mandatory statutory payments. Substantial vertical imbalances in favour of the subnational governments, on the other hand, may promote excessive spending on functions initially assigned to them through, for example, generous wage increases for their employees. Once the subnational governments commit to these expenditures, it becomes difficult for them to accommodate within their budgets the additional spending responsibilities that may subsequently be transferred to them. The quality, volume, frequency, and source of local level information determines decentralization outcome.[26]

The institutions overseeing the implementation of the devolution framework set out in chapter eleven of the Constitution need to ensure that

Table 1: Vertical allocation of revenue to county governments FY 2014/15

Budget Item	Ksh. Millions
Equitable share in 2013/14	190,000
Less:	
Estimated cost of remuneration and administration of the new county structures in FY 2013/14	13,622
Adjusted Baseline	176,378
Add:	
1. Adjusted cost of remuneration and administration for the new county government structures, including adjustment for pension/ gratuity and increase in salaries & allowances	30,200
2. Cost of pension for staff transferred from national government	4,248
3. Cost of administration transferred from national government to county governments	7,080
4. Adjustment to cater for annual growth in expenditure	10,583
Total County Allocation from the shareable revenue	228,489
Less:	
Cost of Rural Electrification function that is to be transferred to county governments at a later date	7,314
Equitable share in 2014/15	221,175

Source: Budget Policy Statement 2014

there is no mismatch between the resources and service delivery on responsibilities assigned to the county and national governments. Clarity on revenue-sharing provisions that provide for a minimum quantum of resources set aside for counties minimizes the possibility of conflicts between the legislature and the executive and between the national government and the counties. The vertical allocation of revenue to county governments in the FY 2014/15 is as illustrated in Table 1.

Parliament, Commissions, Independent Offices, and Devolved Government—National Wage Bill

New offices means increased civil service recruitment and increased recurrent expenditure. Currently, more than KSh 500 billion, which accounts for over half of the government's collected revenue, goes toward paying salaries, forcing the government to borrow to finance its development agenda.[27] According to President Uhuru Kenyatta, the government is spending close to $4.6 billion

Table 2: Remuneration (salaries) of new constitutional offices

Office	Total Monthly Wage Bill at midpoint Pay (KSh.)
Kenya National Human Rights and Equality Commission	5,717,461
National Land Commission	5,717,461
Independent Electoral and Boundaries Commission	5,894,000
Women Representatives (47)	29,198,750
Senate (47 elected senators, 16 nominated women senators, 2 youth representatives, and the speaker)	41,799,000
Deputy President	1,227,187.50
Cabinet Secretary	924,000
Principal Secretary	765,187.50
Supreme Court Judges and Deputy Chief Justice	4,774,937.50
County governments (Governor, Deputy-Governor, and Speaker of County Assembly)	74,610,667
Commission on Revenue Allocation	5,096,211
Controller of Budget and Auditor-General	1,689,187.50
Salaries and Remuneration Commission	5,717,461
National Security (Inspector-General, 2 Deputy Inspector-Generals, Chairman of National Police Service Commission, and 5 Members)	5,861,398.50
Commission for the Implementation of the Constitution	5,894,000
TOTAL	**194,886,910**

Source: Salaries and Remuneration Commission

in salaries, leaving only $2.3 billion for development.[28] The wage bill has increased from KSh 241 billion in the financial year 2008/2009 to KSh 458 billion in 2012/2013. The Salaries and Remuneration Commission (SRC) reports that this amount is in excess of 50 percent of the total domestic revenues, which is way above the international best practice of not more than 35 percent recommended for countries in sub-Saharan Africa.

The biggest spenders, accounting for 56 percent of the wage bill, are the Teachers' Service Commission (KSh 138 billion), State corporations (KSh 83 billion), and county governments (KSh 71.2 billion). Table 2 provides a monthly breakdown of salaries paid out to the new offices.

The expenditure by the State corporations has increased by 5.1 percent from KSh 78.9 billion in FY 2013/2014. The county

Table 3: Breakdown of Kenya's Wage Bill

Public Employment for FY 2013/14		
	No of Staff	Wage Bill (Ksh. Bn)
TSC	274,729	138
State Corporations	115,493	83
Counties	107,184	71.2
Discipline Service	98,894	64.3
Security Services	157,791	42.4
Public Universities	21,527	26.4
Cost Civil Service	58,897	23.6
Constitutional Commissions	952	14.1
Parliamentary Service	490	8.91
Judiciary	4,439	6.5
Total		**478.41**
Other allowances		43.2
Total Wage Bill		**521.61**

Source: Controller of Budget office

governments' expenses have increased more than fifteen times to KSh 71.2 billion.

Overall, Kenya's wage bill has grown by 92 percent in the last five years. Last year, the government spent KSh 1.3 billion to train public servants compared to KSh 950 million in the previous year. While the average public sector wage stood at KSh 346,208 in 2012, it is still higher than the private sector's KSh 316,081. A breakdown of Kenya's Wage Bill is calculated in Table 3.

The commissions and independent offices alone cost close to KSh 2 billion in salaries and allowances as illustrated in Tables 4 and 5, for the commissions and independent offices respectively (according to figures obtained from the Controller of Budget office).

Plans are currently underway for a forum aimed at beginning talks on the burgeoning public wage bill. The talks will be between the SRC and public servants.

There are arguments however, that cutting the wage bill is not in itself the solution to the woes the government is facing over its efforts to bridge a budgetary shortfall of KSh 300 billion. Corruption, ghost workers, the new county governments, and the increasing push by the Legislature for increased pay and allowances are costing the government a lot. In addition, there have been concerns, especially from the Institute of Certified Public

Table 4: Salaries and allowances for constitutional commissions

Salaries and Allowances				
	Revised	Estimates		
Office	2012/2013	2013/2014	2014/2015	2015/2016
Public Service Commission	147,617,078	109,883,736	87,168,560	92,234,864
Teachers Service Commission	240,197,041	110,602,153	114,948,697	127,346,641
Kenya National Commission on Human Rights	186,314,681	224,854,087	234,911,719	244,969,351
Independent Elections & Boundaries Commission	211,708,200	104,651,624	114,757,085	110,863,999
Constitution Implementation Commission	188,871,720	144,466,138	119,217,829	185,122,069
Commission on Revenue Allocation	188,631,720	153,949,089	138,423,731	142,344,215
Salaries & Remuneration Commission	65,400,000	43,860,000	43,860,000	43,860,000
National Land Commission	125,281,720	113,718,073	117,638,617	121,559,161
Parliamentary Service Commission	125,281,720			
National Police Service Commission	125,281,720	113,718,073	117,638,617	121,559,161
Total	**1,604,585,600**	**1,119,702,973**	**1,088,564,855**	**1,189,859,461**

Source: Controller of Budget office

Table 5: Salaries and allowances for independent offices

Salaries and Allowances				
Office	2012/2013	2013/2014	2014/2015	2015/2016
Controller of Budget	11,471,206	14,525,430	14,900,214	15,274,998
Auditor General*				
TOTAL	**11,471,206**	**14,525,430**	**14,900,214**	**15,274,998**

*Amounts/projections not provided

Source: Controller of Budget office

Accountants, over the lack of professional depth within the office of the Auditor-General where employees tasked with financial management within the national and county governments are poorly remunerated and many are underqualified to do the kind of work expected of them. The Kenya Revenue Authority is also failing to meet its annual revenue targets to help the government mitigate the crisis, and the government is grappling with how to get funding for the devolved government units.[29]

Data by the Central Bank of Kenya shows that the country's public and publicly guaranteed debt increased by KSh 22.1 billion from 2,370.2 billion ($25.21b) in June 2014 (the end of the financial year 2013/14) to KSh 2,392.3 billion ($25.45b) in November 2014. This national debt stock was equivalent to 50.3 percent of GDP, with both external and domestic debt to

GDP ratios increasing from 22.8 percent and 27.0 percent in June 2014 to 22.9 percent and 27.4 percent in November 2014, respectively. Of the external debt, $4.2 billion (35 percent) is owed to the International Development Association (IDA), Kenya's largest multilateral lender, while the amount owed to Japan, Kenya's largest bilateral lender, reached $0.8 billion.[30]

In an economic symposium held in Nairobi in February 2015, the National Treasury Secretary confirmed that the national debt had risen to 52 percent of the GDP but downplayed fears of insolvency over the rapid increase in public debt saying that this was still below the 74 percent threshold set for Kenya by the World Bank in its Country and Policy Institutional Assessment Index. Notwithstanding his assertion that the country's debt is sustainable for the next thirty years, there has been increasing concern over Kenya's rapidly increasing public expenditure debt levels under the new framework of devolved governance.

Cost Analysis of the New Framework

The 2014 Budget Policy Statement (BPS), the first to be prepared under the Jubilee government, sets out the administration's priority programs to be implemented in the Medium Term Expenditure Framework (MTEF) under a devolved system of government. It is the sixth BPS to be tabled in Parliament and the second under the Public Finance Management Act 2012. Kenya is considered a "frontier" economy with an impressive turnaround in economic performance. This, coupled with improved global economic conditions, robust growth in sub-Saharan Africa, and renewed investor confidence following the peaceful March 2013 elections, bodes well for accelerated economic prospects with social benefits.

The implementation of the country's priority programs is expected to accelerate and sustain a broad-based economic growth at about 10 percent and transform the economy into a frontier middle-income state within a decade. The country's strategy for economic transformation covers five broad areas: (1) Creating a conducive business environment for employment; (2) Investing in agricultural transformation and food security; (3) Investing in first class infrastructure—logistics, transport, energy, and water—for inclusive growth; (4) Investing in quality and accessible social services; and (5) Further entrenching devolution for better service delivery and enhanced rural economic development.

However, despite the progress made thus far, contrasting challenges remain. They include the following: high costs of living driven by high food and energy prices, rising imports particularly for exploration

of oil and minerals against stagnating exports, and the emerging high and unsustainable public sector wage and fiscal-related challenges surrounding devolution. Nevertheless, the economy has been resilient amidst these challenges and has recovered steadily from levels as low as 0.2 percent GDP growth in 2008 to 4.5 percent in 2012 and is estimated at 5.2 percent for 2014.[31]

The Cost of Financing Kenya's Government Operations—Budget Figures

The 2013/2014 budget approved by Parliament had expenditure amounting to KSh 1,439.7 billion:

National government current expenditure*	780.7 billion
Development expenditure and net lending	439.1 billion
County allocation	210 billion
Contingency fund	5.0 billion
Constitutional reform	1.5 billion
Equalization fund	3.4 billion
Total expenditure	**1,439.7 billion**

*Including interest payment and pensions

These expenditures are expected to be financed by:

Total revenue (including AIA*)	1,028.6 billion
Donor grants	77.7 billion
Net foreign financing	226.7 billion
Domestic financing**	106.7 billion
Total financing	**1,439.7 billion**

*AIA—Appropriations in Aid

**Inclusive of KSh 1.4 billion on redemption payments from domestic loans

Table 6 provides an evaluation of revenue allocation in relation to Article 203 (1) of the Constitution.

The allocation for the equitable fund is expected to rise from KSh 3.4 billion in 2014/15 to KSh 4.2 billion in 2016/17.

Table 6: Evaluation of revenue allocation in relation to Article 203 (1) of the Constitution

BUDGET ITEM	2012/13	2013/14	2014/15
A. Ordinary Revenue (excluding AIA)	849,700	955,600	1,074,700
B. National Interest [Article 203 (1)(a)]	360,587	472,776	478,296
1. Defence and NIS	91,275	89,444	80,071
2. Parliament	14,542	20,004	19,243
3. Judiciary	12,157	15,700	17,687
4. Presidency	9,243	5,988	4,383
5. Office of the Attorney General Office & Department of Justice	5,410	2,947	3,014
6. DPP	1,072	1,475	2,144
7. Police Services	53,441	67,386	68,481
8. Teachers Service Commission	140,412	165,739	162,345
9. Other Constitutional Commissions and IOs	7,749	8,949	8,902
10. Elections	25,286	4,160	3,816
11. National Strategic Interventions	-	90,984	108,211
C. Public Debt and Other Obligations (Article 203 [1][b])	361,322	381,535	414,391
1. Debt Payment	320,322	331,167	353,477
2. Pensions, constitutional salaries & other	41,000	50,368	60,914
D. Emergencies [Article 203 (1)(k)]	5,000	5,000	5,000
E. Equalization Fund [Article 203 (1) (g) and (h)]	3,000	3,400	3,400
F. County Governments Allocations [Article 203 (1) (f)}] less Loans and Grants	168,974	193,419	228,489
H. Balance available to National Government after Article 203 (1)	**(49,182)**	**(100,530)**	**(54,876)**

Source: Budget Policy Statement 2014

In view of financing constraints owing and expenditure pressure, the National Treasury submitted a supplementary budget to Parliament. The additional spending is in respect to salary awards to teachers, lecturers, health workers, and the police amounting to over KSh 16 billion. This, together with additional requests for emergency interventions, FY 2012/13 carryovers, and others from line ministries have put the additional

Key Budget figures relating to revenue, expenditure and deficit financing									
	Central Government Operations 2012/2013 - 2016/2017 (Billions of shillings)								
	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Total Revenue	434.5	510.8	548.1	667.5	748.2	847.2	1,019.9	1,169.1	1,328.7
Expenditure & Net Lending	598.5	676.2	725.2	819.6	947.8	1,117.0	1,470.6	1,536.1	1,706.7
Recurrent Expenditure	429.6	467.5	504.4	592.4	642.2	808.3	821.9	855.7	919.0
Dvlpt Expenditure & Net Lending	168.9	205.7	214.7	219.4	300.7	298.9	428.7	442.0	534.6
County Allocation				4.6		3.0	201.0	228.0	239.0
O/W External component						3.0	16.6	13.9	15.6
Equalization Fund							3.5	3.4	6.1
Balance (incl. grants)	(125.9)	(136.4)	(156.4)	(133.7)	(184.3)	(249.1)	(372.3)	(291.5)	(285.3)
Deficit Financing	125.8	136.4	156.4	111.6	161.9	232.5	372.3	291.5	285.3
Net Foreign	24.4	41.5	22.9	28.1	98.5	62.7	238.8	100.7	117.0
Net Domestic	34.0	92.4	133.5	83.4	63.4	169.8	133.5	190.8	168.4
Funding Gap	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Nominal GDP	2,036.0	2,307.7	2,399.8	2,801.3	3,244.5	3,662.6	4,164.6	4,636.7	5,277.0

funding request over KSh 356.8 billion, which the National Treasury rationalized to KSh 121.8 billion.

Devolved Government

The Cost of Devolution

While the County Public Service Boards have embarked on the recruitment of the requisite staff in the counties, there are also intergovernmental institutions that are in operation. They include the Intergovernmental Relations Summit, the Intergovernmental Budget and Economic Council, and the Council of County Governors.

Sources of Funding for Counties

1. Equitable shares: This is an unconditional allocation to the county governments by the

national government and should not be less than 15 percent of the most recent audited revenue received as approved by the national government. The allocation for 2014/15 is not expected to be less than KSh 102.3 billion, based on the largest audited revenues of KSh 682 billion for FY 2011/12.

2. Additional conditional and unconditional allocations from the share of the national government as contemplated under Article 202 (2) of the 2010 Constitution.
3. Own revenues from specific county revenue-raising measures as authorized by an Act of Parliament.
4. Borrowing provided national government guarantee is obtained as well as the approval by the respective county assembly.
5. Grants and donations from development partners.
6. Equalization fund for basic services provision in marginal areas in order to bring public services in these areas up to national standards.

The Cost Associated With the Devolved Functions

The total cost for adjustment of salaries, pensions, and gratuity is expected to be KSh 16.6 billion in 2014/15. As a result, the cost of salaries and administration of the new county structures is expected to increase from KSh 13.6 billion in 2013/14 to KSh 30.2 billion in 2014/15. Salaries alone for a county's governor, deputy-governor, and speaker of county assembly amount to KSh 74,610,667.[32]

The cost of pensions for the staff transferred from the national government to county governments is estimated at KSh 4.2 billion in 2014/15. In addition, KSh 7.1 billion is to be transferred from the budget of the national government to county governments, being adjustments to reflect the expected reduction in administration costs for the national government following the transfer of some functions to county governments.

In the financial year 2014/15, the funds allocated to county governments are estimated at KSh 242.4 billion, representing 35.5 percent of the most recent audited revenues by the national government:

County equitable share	221.2 billion
Allocation for rural electrification	7.3 billion*
Conditional allocation from donor loans and grants	13.9 billion

*The allocation will be managed by the national government as this function is yet to be transferred to the counties by the Transition Authority.

In 2014/2015, approximately 21.3 percent of the shareable revenue is allocated to county governments while the national government's share is 78.7 percent. The total county revenues, as illustrated in Table 7 of their revenues and expenditure, is KSh 298.468 billion, which includes total national government transfers and total own revenue generated within the counties. Overall, KSh 200.551 billion (68.6 percent) is attributable to the transfers while KSh 97.917 Billion (31.4 percent) is from within the counties.

Table 7: Counties' revenues and expenditures

	REVENUE ('000 KSh.)				EXPENDITURE ('000 KSh.)					
COUNTY	GOK	OWN	GRANTS	TOTAL	RECURRENT	DEVELOPMENT	DEBT RESOLUTION	TOTAL	SURPLUS/DEFICIT	
BARINGO	3,199,023	598,652	645,556	4,443,231	3,001,131	1,787,100	0	4,788,231	-345,000	-8%
BOMET	3,861,000	221,000	525,000	4,607,000	2,056,880	3,012,107	0	5,068,987	-461,987	-10%
BUNGOMA	5,949,000	2,753,780	0	8,702,780	4,854,805	3,637,388	210,587	8,702,780	0	0%
BUSIA	4,200,000	229,799	0	4,429,799	1,656,842	2,250,326	0	3,907,168	522,631	12%
ELGEYO MARAKWET	2,918,410	100,328	499,384	3,518,122	1,996,054	1,522,069	0	3,518,123	-1	0%
EMBU	2,807,083	439,612	0	3,246,695	1,686,511	1,560,183	0	3,246,694	1	0%
GARISSA	4,405,661	150,533	290,805	4,846,999	3,275,744	1,571,256	0	4,847,000	-1	0%
HOMA-BAY	4,962,006	130,679	212,000	5,304,685	3,076,001	2,657,950	0	5,733,951	-429,266	-8%
ISIOLO	2,400,000	600,000	0	3,000,000	1,524,567	1,716,625		3,241,192	-241,192	-8%
KAJIADO	3,525,736	516,827		4,042,563	2,969,777	1,062,786	0	4,032,563	10,000	0%
KAKAMEGA	7,356,000	3,523,030	2,376,520	13,255,550	6,087,250	7,168,300	0	13,255,550	0	0%
KERICHO	3,238,911	293,152	0	3,532,063	2,139,064	1,393,000	0	3,532,064	-1	0%
KIAMBU	6,264,478	6,366,922	0	12,631,400	7,163,611	5,467,789	0	12,631,400	0	0%
KILIFI	5,820,419	2,064,085	182,169	8,066,673	5,848,260	3,111,093	0	8,959,353	-892,680	-11%
KIRINYAGA	2,829,965	437,993	0	3,267,958	2,278,748	989,211	0	3,267,959	-1	0%
KISII	5,188,346	972,876	23,576,237	29,737,459	4,466,816	25,838,697	0	30,305,513	-568,054	-2%
KISUMU	4,471,000	2,528,968	1,000,032	8,000,000	6,427,978	3,411,611	361,730	10,201,319	-2,201,319	-28%
KITUI	5,315,000	448,000	639,000	6,402,000	3,716,106	2,689,894	0	6,406,000	-4,000	0%
KWALE	3,978,000	370,159	336,924	4,685,083	3,014,948	1,074,354	0	4,089,302	595,781	13%
LAIKIPIA	3,100,000	1,200,000	300,000	4,600,000	2,706,458	3,203,468	0	5,909,926	-1,309,926	-28%
LAMU	1,746,720	353,280	0	2,100,000	843,842	1,367,397	0	2,211,239	-111,239	-5%
MACHAKOS	4,950,666	2,204,900	0	7,155,566	3,708,112	4,118,560	0	7,826,672	-671,106	-9%
MAKUENI	4,721,202	200,000	0	4,921,202	3,683,663	2,245,753	0	5,929,416	-1,008,214	-20%
MANDERA	6,797,233	243,700	230,310	7,271,243	3,656,048	4,186,810	0	7,842,858	-571,615	-8%
MARSABIT	3,906,000	44,000	0	3,950,000	2,018,786	1,966,481	0	3,985,267	-35,267	-1%
MERU	4,749,000	800,000	758,000	6,307,000	3,039,449	6,572,370	0	9,611,819	-3,304,819	-52%
MIGORI	4,142,893	0	592,387	4,735,280	4,259,665	2,240,974	0	6,500,639	-1,765,359	-37%
MOMBASA	4,828,569	7,345,847	0	12,174,416	10,594,628	11,192,491	0	21,787,119	-9,612,703	-79%
MURANG'A	4,321,869	1,300,000	0	5,621,869	3,730,869	1,861,000	30,000	5,621,869	0	0%
NAIROBI CITY	9,500,000	15,101,108	743,174	25,344,282	14,925,681	7,599,500	2,700,000	25,225,181	119,101	0%
NAKURU	5,900,000	1,401,738	0	7,301,738	5,375,505	3,497,359	400,562	9,273,426	-1,971,688	-27%
NANDI	2,891,257	294,387	0	3,185,644	1,708,824	2,630,241	0	4,339,065	-1,153,421	-36%
NAROK	4,446,508	5,256,573	0	9,703,081	5,722,085	3,979,329	0	9,701,414	1,667	0%
NYAMIRA	3,318,760	65,000	0	3,383,760	2,635,872	3,253,261	0	5,889,133	-2,505,373	-74%
NYANDARUA	3,435,161	156,247	0	3,591,408	1,691,083	2,613,553	0	4,304,636	-713,228	-20%
NYERI	4,071,365	424,297	54,754	4,550,416	2,122,571	2,427,844	0	4,550,415	1	0%
SAMBURU	2,808,355	210,050	210,050	3,228,455	1,605,405	1,459,460	0	3,064,865	163,590	5%
SIAYA	4,000,000	153,466	0	4,153,466	2,839,202	3,098,952	0	5,938,154	-1,784,688	-43%
TAITA TAVETA	2,614,751	264,120	0	2,878,871	1,663,783	1,215,088	0	2,878,871	0	0%
TANA-RIVER	3,339,807	87,290	0	3,427,097	2,026,642	1,167,455	0	3,194,097	233,000	7%
THARAKA NITHI	2,434,590	84,000	0	2,518,590	1,060,834	1,313,993	0	2,374,827	143,763	6%
TRANS NZOIA	3,923,051	501,462	0	4,424,513	3,062,625	1,650,181	0	4,712,806	-288,293	-7%
TURKANA	7,966,000	351,839	229,995	8,547,834	2,970,834	5,275,000	0	8,245,834	302,000	4%
UASIN GISHU	4,353,931	1,467,407	0	5,821,338	3,761,638	2,059,700	0	5,821,338	0	0%
VIHIGA	3,028,000	200,000	0	3,228,000	3,705,614	2,447,706	0	6,153,320	-2,925,320	-91%
WAJIR	5,892,000	119,031	0	6,011,031	2,757,342	4,171,600	0	6,928,942	-917,911	-15%
WEST POKOT	3,037,075	0	0	3,037,075	1,865,680	1,149,339	0	3,015,019	22,056	1%
TOTAL	141,354,190	62,576,137		298,893,235	166,983,833	161,886,604		271,390,192	-27,915,051	-9%

Source: Commission on Revenue Allocation

Government Portfolios/ Ministries

Expenditure by the top three ministries (excluding AIA) accounts for 67.8 percent of total recurrent expenditure by all the eighteen ministries (see Table 8):

Ministry of Interior and Coordination of National Government	25.5%
Ministry of Education, Science, and Technology	22.1%
Ministry of Defence	20.2%

A comparison worth noting, the recurrent expenditure of the highest spender at 26 percent exceeds the combined expenditure of fourteen ministries (all ministries except the three highest spenders and the National Treasury).

Appropriation In Aid accounts for 13.1 percent of the total gross recurrent expenditure by the government ministries.

The total money spent by the government in recurrent expenditure is KSh 937.707 billion:

Recurrent expenditure	557.416 billion
Total consolidated expenditure	380.291billion
Total expenditure	**937.707billion**

Commissions and Independent Offices

The Teachers Service Commission has the greatest expenditure accounting for 86.24 percent of all expenditure by commissions. The National Gender and Equality Commission is the least at KSh 194.026 million (0.11 percent). This is illustrated in Table 9.

Judiciary

The cost of having a functional Judiciary has surged significantly because of the new Constitution. In the first financial year after promulgation of the new Constitution, it cost the taxpayer more than KSh 2.7 billion in extra Judiciary spending. At the end of the first two financial years after promulgation, 2011/12 and 2012/13, the Judiciary expenditure had cost the taxpayer an extra KSh 9 billion, owing solely to the new Constitution. The budget estimate of KSh 15.263 billion for the Judiciary in the financial year 2013/14 is seven times the budget estimate in 2006/07 (KSh 2.1 billion) in a span of only seven years (see Table 10). The extra/margin cost incurred in the Judiciary owing to the new constitutional dispensation in any financial year from 2012/13 onwards is greater than the overall budget estimate for each of the years preceding the new constitutional dispensation. For example, while the overall budget estimate was KSh 3.913 billion in 2010/11, the additional cost for the year 2012/13 was more than KSh 6 billion.

Table 8: Expenditure by government portfolios

	RECURRENT EXPENDITURE			DEVELOPMENT EXPENDITURE			External revenue	
Vote Title	Gross Estimates	Appropriations In Aid	Net Estimates	Gross Estimates	Appropriations in Aid	Net Estimates	Grants	Loans
Min. of Interior and Coordination of National Government	89,551,142,659	364,000,000	89,187,142,659	7,661,245,473	151,000,000	7,510,254,473	63,000,000	2,231,534,141
Min. of Devolution and Planning	16,319,349,903	205,600,000	16,113,749,903	61,508,967,720	15,339,938,469	46,169,029,251	1,403,826,865	4,521,385,273
Min. of Defence	70,743,170,921		70,743,170,921					
Min. of Foreign Affairs	9,641,331,694	1,002,390,707	8,638,940,987	268,513,852		268,513,852		
Min. of Education, Science & Technology	97,214,862,593	19,815,200,000	77,399,662,593	30,414,718,477	7,401,038,477	23,013,680,000	96,000,000	220,000,000
The National Treasury	23,977,412,933	93,000,000	23,884,412,933	33,433,153,282	14,350,484,316	19,082,668,966	812,750,217	999,750,000
Min. of Health	20,324,743,113	3,861,876,477	16,462,866,636	15,893,355,964	3,607,656,770	12,285,699,194	3,858,921,735	2,031,500,000
Min. of Transport & Infrastructure	22,777,574,566	20,495,457,612	2,282,116,954	102,428,482,590	57,517,196,404	44,911,286,186		5,789,575,000
Min. of Environment, Water & Natural Resources	12,631,278,995	4,946,158,239	7,685,120,756	43,356,454,896	17,807,721,883	25,548,733,013	1,129,814,965	8,982,806,662
Min. of Land Housing & Urban Development	4,131,349,644	537,664,750	3,593,684,894	11,823,137,537	1,395,226,100	10,427,911,437	175,000,000	3,865,944,125
Min. of Information & Communications & Technology	2,355,646,803	4,000,000	2,351,646,803	9,133,725,058	3,932,712,282	5,201,012,776	32,852,000	3,050,478,868
Min. of Sports Culture & Arts	2,445,664,191	10,400,000	2,435,264,191	876,672,280	15,992,670	860,679,610	39,960,000	
Min. of Labour Social Security & Services	8,447,515,597	113,939,480	8,333,576,117	8,772,983,451	681,850,000	8,091,133,451	1,691,628,756	1,168,211,499
Min. of Energy & Petroleum	2,400,353,594	256,000,000	2,144,353,594	77,436,165,122	61,073,468,622	16,362,696,500	42,500,000	6,582,009,000
Min. of Agriculture, Livestock & Fisheries	10,890,891,117	571,500,000	10,319,391,117	26,498,010,603	3,956,406,448	22,541,604,155	1,474,588,119	4,663,817,210
Min. of Industrialization & Enterprise Development	2,759,649,528	431,097,088	2,328,552,440	3,709,784,403	149,589,000	3,560,195,403	8,600,000	
Min. of Commerce, Tourism & East African Affairs	5,181,792,595	55,100,000	5,126,692,595	1,278,953,370	105,100,000	1,173,853,370		
Min. of Mining	568,906,061	13,500,000	555,406,061	576,911,000		576,911,000		
TOTAL			349,585,752,154			247,585,862,637		

Source: Controller of Budget office

Table 9: Commissions' and independent offices' expenditures

OFFICE	DEVELOPMENT			RECURRENT			NET TOTAL
	GROSS	A-I-A	NET	GROSS	A-I-A	NET	
Kenya National Human Rights and Equality Commission	-	-	-	238,527,589	-	238,527,589	238,527,589.00
National Gender and Equality CommIssion	-	-	-	194,025,586	-	194,025,586	194,025,586.00
National Land Commission			-			-	-
Independent Electoral and Boundaries Commission	477,690,120.00	414,490,120.00	63,200,000.00	3,132,606,759	10,000,000	3,122,606,759	3,185,806,759.00
Parliamentary Service Commission	-	-	-	16,569,000,000	-	16,569,000,000	16,569,000,000.00
Judicial Service Commission	-	-	-	473,804,034	-	473,804,034	473,804,034.00
Commission on Revenue Allocation	-	-	-	294,637,054	1,200,000	293,437,054	293,437,054.00
Public Service Commission	290,000,000.00	-	290,000,000.00	717,750,033	8,000,000	709,750,033	999,750,033.00
Salaries and Remuneration Commission	-	-	-	346,861,703	100,000	346,761,703	346,761,703.00
Teachers Service Commission	-	-	-	148,612,870,015	120,000,000	148,492,870,015	148,492,870,015.00
National Police Service Commission	-	-	-	222,997,214	-	222,997,214	222,997,214.00
Independent Police Oversight Authority	-	-	-	153,871,168	-	153,871,168	153,871,168.00
Commission on Administration of Justice	-	-	-	274,340,827	-	274,340,827	274,340,827.00
Commission for the Implementation of the Constitution	-	-	-	322,531,650	-	322,531,650	322,531,650.00
			-			-	-
INDEPENDENT OFFICES			-			-	-
Office of the Auditor-General	500,000,000.00	-	500,000,000.00	2,180,505,700	110,000,000	2,070,505,700	2,570,505,700.00
Controller of Budget	-	-	-	402,552,069	-	402,552,069	402,552,069.00
The Ethics and Anti-Corruption Commission	54,000,000.00	-	54,000,000.00	1,045,066,500	11,000,000	1,034,066,500	1,088,066,500.00
			-			-	-
PARLIAMENT			-			-	-
National assembly			-			-	-
The Senate			-			-	-
							-
TOTAL							175,828,847,901.00

Source: Controller of Budget office

Table 10: Budgetary allocation to the Judiciary

	Judiciary Budget Allocation								Projections		
	2006/07	*2007/08*	*2008/09*	*2009/10*	*2010/11*	*2011/12*	*2012/13*	*2013/14*	*2014/15*	*2015/16*	*2016/17*
Recurrent		n.d	n.d	581	589	1,404	1936	11215	12167	12785	13525
Capital		n.d	n.d	2639	3324	6142	10221	4048	4961	4863	4903
Total	2100	n.d	n.d	3220	3913	7,546	12157	15263	17128	17648	18428

Source: Budget Review and Outlook Paper 2014

Legislature

In anticipation of the increase in legislators following the creation of eighty new constituencies and forty-seven county women representatives positions, there was refurbishment of the legislative house, and in 2012, the MPs moved into the newly refurbished Kenya National Assembly Debating Chamber. The total refurbishment of the Chamber cost KSh 960 million. In early 2014, the Parliament officially began construction of a twenty-six story office building in Nairobi to house the bicameral 480-member Parliament, a KSh 5.8 billion project.

A MP's salary that is set and gazetted by the Salaries and Remuneration Commission is KSh 532,000, and there has been a push for increases by the legislators, a move that has constantly received backing by some governors. This is in addition to benefits which include unlimited committee sittings, tax-free pensions, car grants, and a cheap mortgage offer. The legislators have been pushing for an amendment of the cost to KSh 851,000 as set out in the National Assembly Remuneration Act and will be paid a taxable KSh 532,500 monthly salary set by SRC. This amount will rise by KSh 44,375 every year. This means that an MP's salary will increase to KSh 710,000 by the fifth year. The increase is equivalent to 8.3 percent of the initial salary and a compounded annual growth rate (CAGR) of 7.46 percent for the five-year term ending in 2017.

As of July 2013, Kenyan legislators earned a basic salary of KSh 6.39 million per year, much higher perks than those of legislators in developed countries, e.g. the United States, Britain, and Japan. As Kenya's per capita income is obviously much lower, this translates into comparatively high pay for the Kenyan MPs. The high pay has tended to distort Kenya's public sector remuneration. The pay for the lowest paid unskilled workers in the agricultural sector (the lowest paying job) is KSh 4,854, having been increased from KSh 4,258 in May 2013.

Conclusion and Recommendations

This analysis outlines potential risks to future budget financing. Some of the risks to the country's economic outlook include the following: continued weak growth in advanced economies will impact negatively on the export and tourism activities; geopolitical uncertainty in the international oil market will slow down the manufacturing sector; and high capital imports and high investment demand to finance infrastructure investments and mineral exploration within the country will continue to drive the level of current account balance.

The budget implementation process has several challenges:

1. Significant revenue shortfalls. At the end of December 2013, cumulative revenue receipts amounted to KSh 460.6 billion against a target of KSh 489.2 billion resulting in an underperformance of KSh 28.6 billion. The underperformance in ordinary revenue was mainly reflected in excise and income taxes while the shortfall in Appropriations In Aid partly reflects underreporting by line ministries. The shortfall on the financial year 2012/13 resulted in an expenditure carryover of about KSh 36 billion.
2. Transitional issues delaying proper enactment of the County Allocation of Revenue Act affecting timely disbursement to the counties. Even when the Act fully took effect on 26 August 2013, there was a failure of a majority of the counties to meet preconditions for approval of a fully funded budget.
3. Lower absorption of funds from external sources. By December 2013, there was underspending of KSh 110.8 billion (based on disbursement) of which KSh 30.6 billion was lower than projected disbursements. While recurrent expenditure was above target by KSh 26.9 billion, domestic expenditure financed by domestic resources was below target by KSh 13.7 billion, and those financed with foreign resources were below target by KSh 89.9 billion.

It is fairly clear that the new Constitution has great cost implications now and in the future. In effect, the cost associated with the new Executive and Legislative structures at both the national and county levels of government, constitutional commissions, independent offices, and other constitutionally created offices might be equally extreme if not more alarming.

Of great importance is

the need for the necessary government departments mandated with budgeting to be deliberately conscious of the cost of the new Constitution, the opportunity cost of the widened government expenditure, and the effects these costs have on the country's positioning and future prospects as regards the welfare and human development of the citizenry.

With wage pressures from implementing the 2010 Constitution and especially the devolved government, there is increasingly limited continued funding for development expenditure. A lack of proper comprehension of the amount and meaning of these costs by the government only translates to some undesirable but unavoidable effect: Prudent fiscal management will remain an illusion in Kenya as long as we are content with the current economic state. *We cannot manage what we don't measure*.

This analysis therefore recommends:

1. A reduction in the number of public service offices to get rid of duplication of roles, without jeopardising the intended reforms of the 2010 Constitution.
2. Either a reduction in the number of counties or the devolvement of more functions to allow for revenue generation and sustainability.

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Reductive Sampling: A Framework for Victim Participation and the Reparations Phase of the ICC Trial

BY HILLEL J. BAVLI

Hillel J. Bavli is a PhD student in statistics at Harvard, as well as a litigation attorney at the law firm Boies, Schiller & Flexner. His primary areas of practice are antitrust law, criminal law, and complex litigation. He currently teaches a seminar course, which he designed, on the economic analysis of law as a teaching fellow in Harvard's Economics Department. Hillel is active in directing law and statistics projects in the United States and abroad, and he is currently engaged in developing applications of statistics to improve the effectiveness of law and the accuracy of legal outcomes.

Abstract

The International Criminal Court's framework for reparations and victim participation has been praised as a significant advance in international criminal procedure. This framework has great potential with respect to the transitional and restorative aims of postconflict societies in Africa in particular. However, the reparations initiative has yet to see success and is unlikely to achieve its goals in the absence of procedural devices equipped to process a multitude of claims for damages related to the victims' losses and suffering. In particular, the Court must introduce a procedural framework that can balance the importance of individualized victim participation with the need to process claims quickly and efficiently and in a way that preserves the defendant's due process rights. In this article, I focus on situations arising in Africa in particular, and I introduce a sampling-based procedural framework that may offer an efficient and practicable procedure that, at once, streamlines litigation of common issues while preserving the aspects of individualized victim participation that facilitate the Court's truth-seeking objectives, promotes justice to victims by awarding reparations in proportion to victims' losses, and supports the restorative and transitional aims of the ICC.

The International Criminal Court (ICC), established by international treaty to prosecute serious crimes that are of concern to the international community, delivered its first verdict in March 2012 in the case of Lubanga.[1] The court found Lubanga guilty of the war crimes of "conscripting and enlisting children under the age of fifteen years into the [Patriotic Force for the Liberation of Congo] and using them to participate actively in hostilities."[2] In addition to Lubanga and other cases arising from the situation in the Democratic Republic of Congo (DRC), twenty-one cases have been brought before the ICC. Although the ICC's jurisdiction is not particular to Africa, these cases arise from "situations" (as they are called) in various regions of Africa, including situations in Uganda, Democratic Republic of Congo, Sudan, Central African Republic, Kenya, Libya, Ivory Coast, and Mali. I therefore focus on situations arising in Africa in particular; nevertheless, my conclusions herein can be applied more broadly.

The creators of the ICC have incorporated a reparations phase of the ICC trial, the purpose of which is to allow victims to make claims against a convicted defendant for damages related to the victim's losses and suffering. But while the reparations phase carries the potential for great advances in international criminal procedure—and, as discussed below, for situations arising in Africa in particular—in the absence of the introduction of parallel procedural advances to accommodate a complex victim-reparations framework, the incorporation of the reparations phase will cause more harm than benefit.

In this article, I consider the application of a sampling-based procedure to balance concerns associated with victim participation and the establishment of a reparations framework. In particular, I highlight a fundamental tradeoff that arises in the context of the reparations phase of the ICC trial—a tradeoff between concerns for individualized victim participation and compensation on the one hand and concerns for the Court's ability to protect the rights of defendants and process a high volume of heterogeneous claims on the other. I then introduce a framework called reductive sampling and argue that this sampling-based approach offers a range of benefits in addressing the foregoing tradeoff and balancing the ICC's objectives.

In Section II, I discuss the role of, and concerns associated with, the reparations phase of the ICC trial. In Section III, I introduce reductive sampling and the benefits it offers in balancing the concerns associated with the reparations phase of the ICC trial, and with respect to situations arising in Africa in particular. In Section IV, I conclude.

A primary objective of the ICC is to end international impunity. A second but important objective is to involve and empower victims of the crimes committed.[3] A number of policy concerns underlie the introduction of a framework for victim participation. First, victim participation may enhance the procedural aims of the Court by allowing for better fact-finding and fulfillment of the truth-seeking objective of the trial. Second, victim participation is likely to facilitate the restorative and transitional aims of the Court by allowing victims to express their experiences and to receive compensation for loss and suffering.[4]

In line with these concerns, the Rome Statute—the multinational treaty giving rise to the ICC—has established a procedure for victims to submit claims to the ICC for monetary reparations against defendants who have been found guilty. Under the treaty, the reparations procedure is packaged together with the criminal trial.[5]

The framework for victim participation, and the creation of the reparations phase of the ICC trial in particular, has been widely praised as a significant advance in international criminal procedure.[6] Arguably, the potential benefits of an in-house reparations procedure are particularly potent in relation to situations arising in Africa and other regions in which: 1) storytelling and other forms of individualized expression are deeply rooted in the culture of the region or are otherwise fundamental to making progress toward restorative and transitional goals in a postconflict society; 2) victims have limited access to alternative legal forums that can provide compensation and, importantly, the opportunity to be heard in a formal setting; and 3) fact-finding may be highly dependent on individualized eyewitness accounts.[7]

However, notwithstanding the innovation of the in-house reparations phase of the ICC trial, such procedures have yet to see success and are unlikely to achieve their goals in the absence of procedural devices equipped to process such claims. In particular, the Court must introduce a procedural framework that can, on the one hand, process a high volume of heterogeneous claims and, on the other hand, maintain the elements of the procedure that allow victims to tell their stories and to receive proportional compensation for their suffering.

In the *Lubanga* case, the ICC ordered common, rather than individualized, legal representation for the victims.[8] Using common legal representation, the Court can divide the victims into groups and appoint separate legal

counsel for each group. For example, in the recent ICC case, *Katanga*, which involved claims arising from an attack on a village in the DRC, the Court divided victims into 1) those who were victimized as residents of the attacked village, and 2) those who were forced to be child soldiers from outside of the village, and assigned each group independent legal counsel.[9] Notwithstanding the Court's willingness to divide the victims based on overarching differences, current procedures have, in general, been criticized as inefficient and as failing to achieve the goals of victim participation.[10]

Further, it has been suggested that a class action device parallel to that applied in the United States under Rule 23 of the Federal Rules of Civil Procedure[11] would offer the elements necessary to make the ICC reparations phase successful. For example, it has been suggested that such a procedure would be effective in addressing chronic delays that result from the current state of victim certification procedures (which, some argue, even precludes the Court from effectively addressing other parts of the proceedings, such as the "overarching goal of bringing perpetrators to justice and ending impunity").[12]

However, in the ICC context, the class action device will involve the grouping of diverse victims into a single class, and such grouping is likely to clash with the restorative and transitional goals of the ICC. Even if the Court divides the victims into groups (or classes, in the class action context), as in *Katanga*, the procedure generally fails to recognize the diversity of the victims, and it fails to satisfy the elements necessary to achieve the restorative and transitional goals of the ICC. On the other hand, the crimes prosecuted at the ICC often involve thousands, if not millions, of victims, and concerns related to the grouping of victims must be balanced with concerns for efficiency, practicability, and the defendant's due process rights.

Striking an Appropriate Balance through Sampling

In this section, I introduce a sampling framework known as reductive sampling and highlight the balance it strikes with respect to the foregoing considerations.[13] In simple terms, reductive sampling involves circumstances in which a universe of units is partitioned into 1) a "sample group" and 2) an "extrapolation group."[14] The sampled units—the units in the sample group—are used to gain information regarding the universe of units as a whole; then, the

remaining units—the units in the extrapolation group—receive an outcome based on the information obtained from the sample group. In the context of an ICC trial, the court would sample a small proportion of the total claims for individualized litigation, obtain an individualized verdict for each of the sampled claims, and then compute the mean of the verdicts of the sampled claims and apply the sample mean as the outcomes of all remaining nonsampled claims.[15]

The potential benefits of applying the reductive sampling framework to the reparations phase of the ICC context are significant. First, statistical sampling itself may offer an appropriate mechanism for balancing concerns for fulfilling the ICC's restorative, transitional, and informational aims with the need to process thousands, if not millions, of claims in an efficient and practical way, and one that preserves the defendant's due process rights. By randomly sampling claims for litigation from a pool of victim claims, the Court may provide an active voice to many victims, as opposed to a single purportedly representative voice on behalf of a multitude of victims.[16] This is likely to lend to the transitional aims of the Court by not only allowing a greater number of victims to express their experiences but also by offering a multitude of other victims, as well as perpetrators, to hear, relate to, and empathize with victims' stories on a more refined and expansive level. Sampling is likely to lend to the Court's truth-seeking objectives as well, since the Court, and the public generally, will hear a greater breadth of experiences in greater detail.

On the other hand, the sampling procedure balances the Court's aims, with respect to truth-seeking and victim participation, with those of efficiency and preserving the due process rights of the defendant. In particular, by randomly sampling a fixed number of claims from the class, the Court can achieve a broad range of "representative" victim experiences while limiting the costs and due-process concerns associated with individualized litigation. Sampling procedures offer a balance between individualized litigation and the litigation of a single "representative" claim. Individualized litigation may, in a sense, allow for more comprehensive victim participation, but such procedures are prohibitive in terms of, e.g., expense, delays, and the defendant's due process rights. On the other hand, litigation of a single "representative" claim (or even a few "representative" claims) entails benefits in terms of expense, defendant rights, etc. but is arguably far insufficient to achieve the range of aims—including restorative, transitional, and informational aims—associated with victim participation. The sampling-

based procedure described may not only balance the foregoing concerns, in the sense of a compromise, but, as described herein, may moreover maintain the fundamental benefits of individualized litigation while limiting its accompanying impracticalities. Further, as discussed below, under certain conditions, good sampling may offer reliability improvements even relative to the purported ideal of individualized litigation.

Second, the reductive sampling framework offers an explicit recognition of the diversity of claims that exist within a particular class. A hallmark of the reductive sampling framework is the application of individualized verdicts to the sampled claims. An alternative would be to sample claims for individualized litigation and then to replace *all claims*—whether sampled for individualized litigation or not—with the average award of the sampled claims. Another alternative is the traditional trial, wherein numerous victims may be brought as witnesses, but nevertheless, each victim ultimately receives a single damages award. In contrast, by applying individualized damages awards, or reparations, to victims sampled for individualized litigation, the reductive sampling framework serves to acknowledge formally and explicitly the diversity of the population of victims, as well as the personal and unique nature of the loss that an individual victim has suffered. This aspect of the framework lends to the transitional and restorative goals by personalizing victim damages. Further, although only sampled victims receive individualized damages, the psychological and restorative effects of this personalization are likely to go well beyond the sampled victims. In particular, nonsampled victims who relate to the losses of a particular sampled victim, and who observe the individualized reparations awarded to that victim, are likely to feel a strong sense of societal acknowledgment of the crimes committed against them and the personal losses they have suffered.

On the other hand, by partitioning the class into a sample group and an extrapolation group, the reductive sampling framework again balances the importance of individualized victim participation with the need to process claims quickly and efficiently, and in a way that preserves the defendant's due process rights.

Third, the reductive sampling framework promotes objectives of accuracy—in this context, awarding reparations proportional to the losses suffered. Although the policy objectives of the ICC in implementing the reparations phase of the trial are far broader than those associated with the accuracy of the allocation of reparations awards, awarding reparations that are proportional to the losses suffered should not be underestimated. Proportionality, like individualized expression and individualized verdicts, is arguably an important factor in

determining whether the ICC will achieve its restorative and transitional goals.

The reductive sampling framework fosters accurate outcomes in a number ways. First, as discussed in detail in "Aggregating for Accuracy: A Closer Look at Sampling and Accuracy in Class Action Litigation," by reducing natural variability in judgments, the reductive sampling framework has the potential to achieve a level of accuracy well beyond that associated with the traditional class action, and even that associated with individualized litigation—i.e. litigation of each and every claim individually. Second, the framework promotes pretrial stratification of a class of heterogeneous claims into relatively homogenous subclasses. As an example, the Court may stratify a class into 1) victims of rape and other forms of sexual assault; 2) victims of great and permanent bodily harm; 3) victims of stolen or destroyed property; and 4) victims who lost family members at the hands of the perpetrator. Alternatively, for example, the Court may stratify as it did in the *Katanga* case described above in which it divided victims into 1) those who were victimized as residents of the attacked village, and 2) those who were forced to be child soldiers from outside of the village.[17]

Once a class is stratified, the Court would sample claims within each subclass and then apply the mean of the sampled verdicts within each subclass to the remaining claims in the subclasses, respectively. The procedure thus groups victims with similar victims for purposes of maintaining proportionality with respect to reparations allocated to nonsampled victims, while simultaneously recognizing the diversity of victims within each subclass by litigating and determining individualized awards for sampled claims.[18] Further, beyond the proportionality of reparations, stratification may add to the restorative and transitional goals of the ICC by grouping victims and ultimately enhancing the expressive effects of the individualized litigation within the sample groups of each subclass.

Finally, the sampling procedure can be facilitated in practice through field offices, which can provide various forms of support and a fundamental connection between the Court and potential victim-participants. Indeed, the ICC Registry has already established field offices in high-conflict regions of Africa, such as in the DRC, Uganda, Chad, and the Central African Republic.[19] These offices have been created, *inter alia*, to facilitate victim participation and reparations generally. The aims of the field offices include reaching and educating victims, providing logistical and cultural support, and serving as a general connection to potential victim-participants.[20]

Conclusion

The goals underlying the reparations phase of the ICC trial are commendable. Through victim participation, and the reparations phase in particular, the Court seeks to facilitate its truth-seeking objectives, to fulfill its restorative and transitional purposes—purposes that are fundamental in postconflict societies—and to promote justice and assistance to victims by awarding reparations in proportion to the victims' losses. The potential benefits, with respect to situations arising in Africa and other regions, are substantial. However, in the face of thousands or millions of potential victims, the foregoing objectives must be balanced with the need for a procedure that allows for the processing of claims in a cost-effective, efficient, and practicable manner, and one that protects the due process rights of the defendants. Such a procedure is critical to the success of the Court.

My intention in this article is not to make normative statements regarding the appropriate use of sampling, and of reductive sampling in particular. Rather, my aim is to highlight the potential of the framework in balancing the foregoing concerns and, in particular, to suggest that the reductive sampling framework may offer an efficient and practicable procedure that, at once, streamlines litigation of common issues while preserving the aspects of individualized litigation that are fundamental to the restorative and transitional aims of the ICC.

[1] Prosecutor v. Thomas Lubanga Dyilo, Case No. ICC-01/04-01/06, T. Ch. 1, 14 March 2012.

[2] Ibid., ¶ 1358.

[3] Christodoulos Kaoutzanis, "Two Birds with One Stone: How the Use of the Class Action Device for Victim Participation in the International Criminal Court Can Improve Both the Fight against Impunity and Victim Participation," UC Davis Journal of International Law & Policy Vol. 17, No. 1 (2010): 127.

[4] Ibid.

[5] Note, the Rome Statute also establishes procedures for victim participation in various aspects of the criminal trial unrelated to reparations.

[6] Kaoutzanis, "Two Birds," 112; See also Miriam Cohen, "Victims' Participation Rights Within the International Criminal Court: A Critical Overview," Denver Journal of International Law & Policy Vol. 37, No. 3 (2009): 351–377 (highlighting the controversy surrounding the reparations phase and victims' participatory rights).

[7] These factors and others are discussed in further detail below.

[8] Kaoutzanis, "Two Birds," 123 (citing Prosecutor v. Thomas Lubanga Dyilo).

[9] Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui, Case No. ICC-01/04-01/07, T. Ch. II, 30 September 2008. See also Kaoutzanis, "Two Birds," 124.

[10] Kaoutzanis, "Two Birds," 127–134; Cohen, "Victims' Participation Rights."

[11] Fed. R. Civ. Pro. § 23. A class action is a legal procedure in which numerous claims are, under certain conditions, grouped together in a single lawsuit for joint determination.

[12] Kaoutzanis, "Two Birds," 128–29.

[13] Hillel J. Bavli, "Aggregating for Accuracy: A Closer Look at Sampling and Accuracy in Class Action Litigation," Law, Probability and Risk (2014). Reductive sampling can be understood as a type of exploration-exploitation tradeoff, which describes a situation in which one must choose between exploration for new information and exploitation of the information that one has already obtained. See generally Herbert Robbins, "Some Aspects of the Sequential Design of Experiments," Bulletin American Mathematical Society Vol. 58, No. 5 (1952): 527–535; J.C. Gittins, "Bandit Processes and Dynamic Allocation Indices," Journal of the Royal Statistical Society. Series B (Methodological) Vol. 41, No. 2 (1979): 148–177.

[14] See Cimino v. Raymark Industries, Inc., et al., U.S. District Court for the Eastern District of Texas, 751 F. Supp. 649, 12 November 1990 (dividing a class of claims into "sample cases" and "extrapolation cases").

[15] Bavli, "Aggregating for Accuracy."

[16] See Bryan Barnet Miller, "A Model of Victims' Reparations in the International Criminal Court," University of La Verne Law Review Vol. 33, No. 2 (2012): 255–283.

[17] Prosecutor v. Germain Katanga and Matthew Ngudjolo Chui. See also Kaoutzanis, "Two Birds," 124.

[18] See, e.g., Cimino v. Raymark Industries, Inc., et al. (dividing a class of asbestos claims into five disease categories, randomly sampling within each category to form a representative sample of 160 claims, awarding individualized verdicts to each sampled claimant, and applying the average verdict in each disease category to the nonsampled members of each category, respectively).

[19] Miller, "A Model of Victims' Reparations," 275.

[20] Ibid.

The Ebola Challenge: West and Central Africa's Containment Strategy

BY MICHELLE SIMON

Michelle Simon is a professional environmental scientist. She has twenty years of professional service across government, civil society, and the private sector. She has been an independent consultant for eleven years in the fields of environmental, social and economic research, assessments, and management. Her core work in the fields of environmental-geographical sciences encompasses environmental impact assessments, hydrological assessments and natural resource assessment, management and rehabilitation, climate change, and air quality impacts. In addition, she has intensive skills in project management and research arising from her work across the public-private sector. Her key work in each sector has been professional assessment, research, writing, and multimedia. She has also been a trainer and guest lecturer at various academic institutions since the year 2000, including lecturing to SADC postgraduate students in environmental science and management.

Abstract

This paper traces the known origin of the Ebola virus to the historical records and the measures adopted to control the disease. Also highlighted in this paper is the state of the current outbreak in west and central Africa and the north-south collaborative measures of intervention and containment. This paper explores the recorded cases of the Ebola virus and the studies through microbiology, virology, biomedical, medical geography, scientific research, and sociopolitical collaboration in preventing the potential spread beyond the sites of original infection.

The First Recorded Ebola Outbreak

On 27 June 1976 in a southern township in Nzara, Sudan, the Ebola disease takes its first Sudanese casualty, a factory storekeeper.[1] This day marks the start of the world's first recorded epidemic of the Ebola virus. The Sudanese casualty becomes ill, showing symptoms such as high fever, diarrhea, and vomiting. After a period of five days, he dies,[2] followed by 151 deaths out of the 284 infected casualties, with a casualty fatality rate (CFR) of 53 percent.[3] The second outbreak took place a few months later that same year in the village of Yambuku in the Democratic Republic of Congo (formerly Zaire) with a higher CFR of 88 percent. The death toll in Zaire was 280 out of 318 infected patients.[4] Since 1976, four out of five of the known strains of the Ebola family of viruses reared themselves in Africa approximately twenty-two times.[5] A third strain, a Philippine subtype, spread through primate importation into Reston, Virginia, in the United States and became known as the Ebola Reston (EBOR) subtype.[6]

Ebola 2014

The 2014 Ebola virus disease in Guinea marks the twenty-third outbreak on the African continent and the first in West Africa.[7] In February 2014, southeastern Guinea saw its first infection of the Ebola virus which progressed by 22 March 2014, recording cases of forty-nine in total, with twenty-nine deaths and a CFR of 59 percent in the capital city of Conakry and local districts of Guéckédou, Macenta, Nzérékoré, and Kissidougou. From the disease epicenter in Guinea, the disease made its way through humans in transit from Guinea to the neighbouring countries of Sierra Leone (in the Kailahun district) and Liberia (in the counties of Lofa, Nimba, and Margibi).[8] As of 1 April 2014, the Ministry of Health (MoH) of Guinea reported a total of 127 confirmed and unconfirmed cases with a death toll of 83, raising the CFR to 65 percent.[9] In Guinea, 24 of the cases tested positive for the Zaire ebolavirus strain.[10]

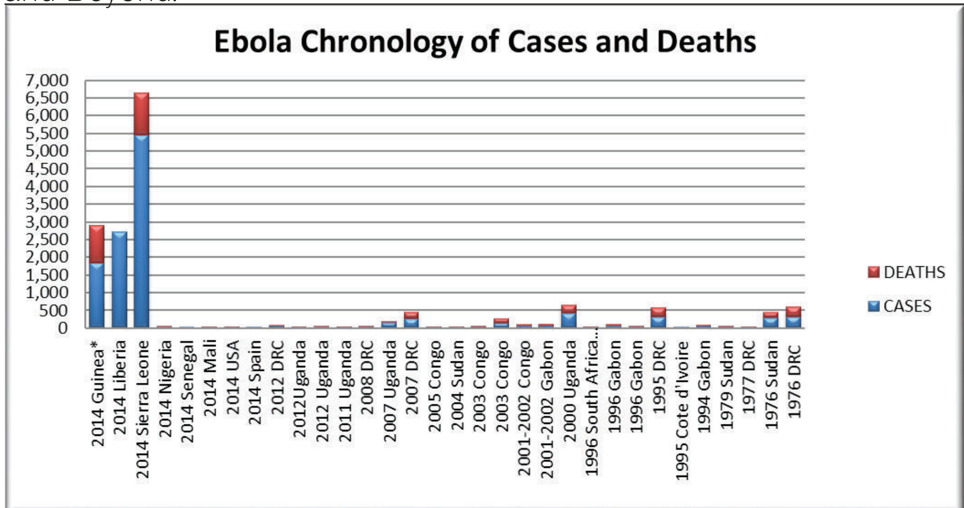
Of the eight cases in Liberia,[11] the Ministry of Health in Liberia reported two laboratory confirmed cases as the Zaire ebolavirus from the Lofa district.[12] The species of Zaire ebolavirus was confirmed as a 98 percent match through genetic analysis.[13] In Sierra Leone, two cases were recorded, both of whom died.[14] The casualties from Liberia and Sierra Leone were travellers to Guinea, and further investigations on these suspect cases are pending.[15] As of Sunday, 6 April 2014, the death toll rose to ninety, with new suspected cases in Mali and Ghana.[16] By 14 April 2014, the MoH of Guinea reported a total of 168 clinically compatible cases of EVD and 108 deaths.[17] The latest virology analysis suggests that the EBOV strain in Guinea has

evolved in parallel with the strains from the Democratic Republic of Congo (DRC) and Gabon and was not imported to Guinea.[18] The Guinea strain may have evolved from an ancestor and could have started as early as December 2013.[19]

By 8 August 2014, the EVD status escalated to a Public Health Emergency of International Concern (PHEIC)[20] moving beyond the primary zone of impact—that is Guinea, Liberia, Sierra Leone, and Mali—with a single case in Senegal, an isolated spread of small cases in Nigeria and the DRC, and the disease moving beyond the African continent recording international cases in the United States within the healthcare fraternity (one death[21] and three recoveries[22]) and one person in Spain. Since the officially recorded outbreak in Guinea in March 2014, the EVD has claimed approximately 5,420 lives in the region.[23] As of 26 November 2014, the WHO reported that a total of 15,935 EVD cases were reported with a death toll of 5,689.[24] It may be stated with a degree of certainty that the actual numbers of case morbidity and mortality are indeed higher than the recorded counts with gaps in the system whereby infected persons have evaded detection, diagnosis, and treatment; suspected EVD deaths and burials without an autopsy diagnoses; and the added statistical gaps where laboratory counts have not been included in a regional database.[25]

The Guinea Ebola outbreak is current and active as of November 2014, therefore the statistics on

Figure 1: Ebola Chronology of Cases and Deaths for West Africa and Beyond.



*Guinea outbreak is reflected by 2014 statistics on Guinea, Liberia, Sierra Leone, Nigeria, Senegal, Mai, USA, and Spain (confirmed cases and deaths only).

Compiled by the author using data from the "Ebola Virus Disease," World Health Organization Fact sheet No. 103, March 2014; "Ebola Virus Disease, West Africa – Update," World Health Organization, 14 April 2014; "Ebola Response Roadmap – Situational Report," World Health Organization, 26 November 2014.

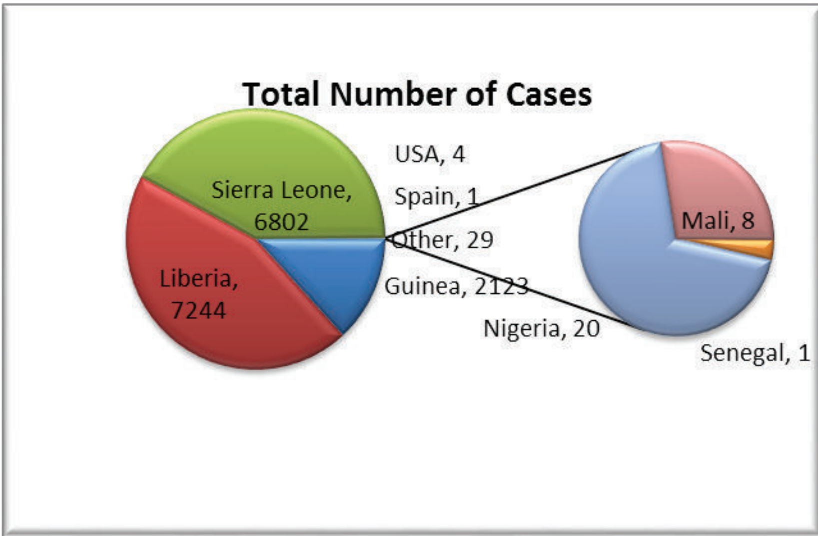
cases, deaths, and laboratory results are subject to change. The 2014 data as reflected in Figure 1 represent the confirmed cases and deaths, noting that the total sum with the addition of the probable and suspected cases represents a cumulative 15,935 EVD cases.

Table 1: Ebola Data.

Country	Ebola measure	Case definition	Display Value	Numeric Value
Guinea	Number of cases	Confirmed	1892	1892
Guinea	Number of cases	Probable	210	210
Guinea	Number of cases	Suspected	21	21
Guinea	Number of cases	Total	2123	2123
Liberia	Number of cases	Confirmed	2753	2753
Liberia	Number of cases	Probable	1771	1771
Liberia	Number of cases	Suspected	2720	2720
Liberia	Number of cases	Total	7244	7244
Sierra Leone	Number of cases	Confirmed	5595	5595
Sierra Leone	Number of cases	Probable	79	79
Sierra Leone	Number of cases	Suspected	1128	1128
Sierra Leone	Number of cases	Total	6802	6802
Guinea	Number of deaths	Confirmed	1074	1074
Guinea	Number of deaths	Probable	210	210
Guinea	Number of deaths	Suspected	0	0
Guinea	Number of deaths	Total	1284	1284
Liberia	Number of deaths	Confirmed	Not available	
Liberia	Number of deaths	Probable	Not available	
Liberia	Number of deaths	Suspected	Not available	
Liberia	Number of deaths	Total	4181	4181
Sierra Leone	Number of deaths	Confirmed	1254	1254
Sierra Leone	Number of deaths	Probable	174	174
Sierra Leone	Number of deaths	Suspected	35	35
Sierra Leone	Number of deaths	Total	1463	1463

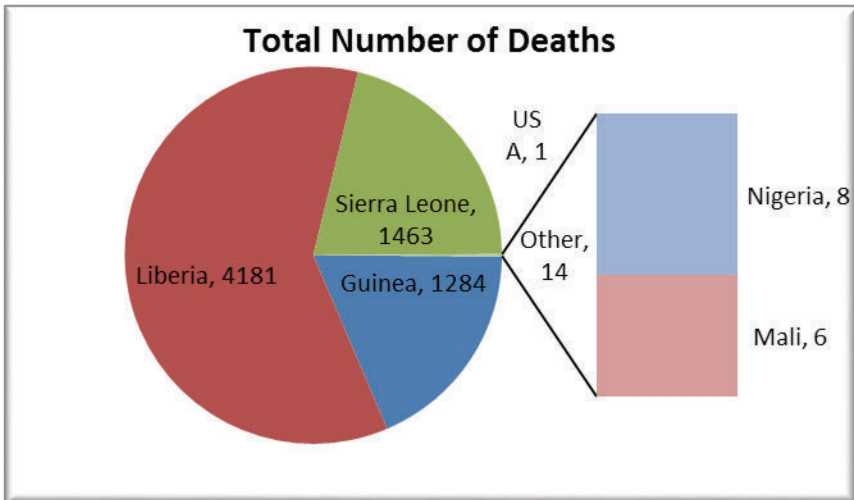
Source: WHO, 28 November 2014

Figure 2: Ebola Number of Cases (Confirmed, Probable, and Suspected).



Compiled by the author using data from the World Health Organization, 28 November 2014.

Figure 3: Ebola Number of Deaths (Confirmed, Probable, and Suspected).



Ibid

The Ebola virus disease (EVD), originally known as the Ebola hemorrhagic fever (EHF), first showed signs of human infection in 1976.[26] The Ebola virus belongs to a family of viruses known as Filoviridae (filovirus), of which the first detected virus was the Marburg virus, discovered in 1967 in Marburg, Frankfurt, and Belgrade after thirty-one casualties were infected via contact with the blood or tissues of vervet monkeys (imported from Africa for medical research purposes).[27] The first consecutive infections of Ebola strains occurred in 1976 in Sudan and Zaire, and while it looked similar to the Marburg virus in terms of infection symptoms, the distinction was made through virology analysis.

Filoviruses belong to a larger group, the viral hemorrhagic fevers (VHFs) and share similarities such as:

- VHFs are ribonucleic acid (RNA) viruses encased in a fatty (lipid) coating;
- VHFs are carried by animal or insect hosts called the natural reservoir;
- VHFs originate from the geographical habitat of their hosts or reservoirs;
- VHFs are transmitted to humans via contact with an infected reservoir/host;
- Some VHFs once inside a human may be transmitted from human to human via bodily fluid or excrement;
- Outbreaks of VHFs in the human population have been erratic; and
- In general, there are no cures or established drug treatments for VHFs.[28]

Ebola Strains

According to the World Health Organization, the genus Ebolavirus is one of three members of the Filoviridae family (filovirus), along with genus Marburgvirus and genus Cuevavirus.[29]

The genus Ebolavirus comprises five distinct species:

1. Bundibugyo ebolavirus (BDBV)
2. Zaire ebolavirus (EBOV)
3. Reston ebolavirus (RESTV or EBO-R)
4. Sudan ebolavirus (SUDV)
5. Taï Forest ebolavirus (TAFV).[30]

The EVD outbreaks in Africa since the late 70s were attributed to the BDBV, EBOV, and SUDV species. The RESTV or EBO-R subtype—named after Reston, Virginia, and originating from the Philippines and the People's Republic of China—seems to have a lesser pathogenicity

than other Ebola subtypes for both human and macaques.[31] The Reston ebolavirus has not resulted in death.[32] The last recorded species of Ebola was the Ebola Côte d'Ivoire (EBO-CI), now known as Taï Forest ebolavirus (TAFV), discovered in 1994 when a female ethologist accidentally infected herself while performing a necropsy on a dead chimpanzee from the Taï Forest in Côte d'Ivoire.[33] The chimpanzee troupe's unusually high mortality rate triggered the ethologist's studies.[34]

The Africa Ebola human strains statistics are as follows:[35] [36]

- **Sudan ebolavirus (SUDV)**
  - 1976: Nzara and Maridi, Sudan. 284 infected, 151 deaths (53% CFR).
  - 1979: Nzara, Sudan. 34 infected, 22 deaths (65% CFR).
  - 2000: Uganda. 425 infected, 224 deaths (53% CFR).
  - 2004: Sudan. 17 infected, 7 deaths (41% CFR).
  - 2011: Uganda. 1 infected, 1 death (100% CFR).
  - 2012: Uganda. 24 infected, 17 deaths (71% CFR).
  - 2012: Uganda. 7 infected, 4 deaths (57% CFR).
- **Zaire ebolavirus (EBOV)**
  - 1976: Yambuku, Zaire. 318 infected, 280 deaths (88% CFR).
  - 1977: Tandala, Zaire. 1 infected, 1 death (100% CFR).
  - 1994: Minkebe and Makokou, Gabon. 52 infected, 31 deaths (60% CFR).
  - 1995: Kikwit, Zaire. 315 infected, 254 deaths (81% CFR).
  - 1996: Mayibout, Gabon. 31 infected, 21 deaths (68% CFR).

- 1996: Gabon. 60 infected, 45 deaths (75% CFR).
- 1996: Booué, Gabon (transported to Johannesburg, South Africa). 1 case, 1 death (100% CFR).
- 2001-2002: Gabon. 65 infected, 53 deaths (82% CFR).
- 2001-2002: Congo. 59 infected, 44 deaths (75% CFR).
- 2003: Congo. 143 infected, 128 deaths (90% CFR).
- 2003: Congo. 35 infected, 29 deaths (83% CFR).
- 2005: Congo. 12 infected, 10 deaths (83% CFR).
- 2007: DRC. 264 infected, 187 deaths (71% CFR).
- 2008. DRC. 32 infected, 14 deaths (44% CFR).
- 2014: Guinea, Liberia, and Sierra Leone (three most affected countries). 15,935 infected, 5,420 deaths (60% CFR).

▪ **Côte d'Ivoire ebolavirus or Taï Forest ebolavirus (TAFV)**

- 1994: Taï Forest, Côte d'Ivoire. 1 non-fatally infected.
- 1995: Liberia (transported to Côte d'Ivoire). 1 non-fatally infected.

▪ **Bundibugyo ebolavirus (BDBV)**

- 2007: Uganda. 149 infected, 37 deaths (25% CFR).
- 2012: DRC. 57 infected, 29 deaths (51% CFR).

Ebola Reservoir Transmission

Most VHF viruses are zoonotic,[37] residing in animal or arthropod reservoirs; however, the reservoir for the Ebola virus has been highly elusive to date. A possible natural host of EVD in Africa are fruit bats,[38] who in turn transmit the virus to wildlife and from wildlife to people. The intermediate hosts have been recorded as monkeys, apes, pigs, and other livestock that become infected with bat bodily fluids, saliva, or excrement. This chain of contact continues with humans handling infected animals either in the slaughter or food consumption process. Food consumption may include bushmeat, blood, raw and undercooked meat, and even milk. While bats are being placed high on the list of suspect natural hosts/ reservoirs, this should not be to the exclusion of other species.[39] Handling the carcasses of dead infected animals also proves lethal, as was seen in the case of the autopsy on the Taï Forest ebolavirus chimpanzee.[40] Once a human becomes infected, the virus is then passed on through direct contact with bodily fluids, blood, nasal, urinary, or fecal secretions. Caregivers at home are also at risk from infected fluids and solids. Medical personnel face the added risk of contaminated needles and equipment. The EVD does not die with a loss of the host; it still poses an infection risk, and burial workers or family members handling cadavers at funerals also face the threat of contact infection. This has opened up the issue of the Ebola virus' ability to transmit through epidermal layers, making skin a pathway for exposure and infection, thereby making contact transmission a high risk.[41]

Symptoms

The incubation period for EVD is between two and twenty-one days[42] from the date of infection to the signs of symptoms. EVD is a deadly disease, and when there is an outbreak, the CFR may escalate to as much as 90 percent.[43]

Early signs and symptoms include the following:

- Fever;
- Severe headache;
- Joint and muscle aches;
- Chills;
- Sore throat; and
- Intense weakness.[44]

Over time, symptoms become increasingly severe and may include the following:

- Nausea and vomiting;
- Diarrhea (may be bloody);
- Red eyes;
- Raised rash;
- Chest pain and cough;

- Stomach pain;
- Loss of appetite;
- Aching muscles or joints;
- Difficulty swallowing;
- Breathing difficulties or hiccupping;
- Severe weight loss;
- Impaired kidney and liver function;
- Internal bleeding;
- Hemorrhagic symptoms (unexplained bleeding, bleeding gums, bloody nose, bleeding at the injection site, and bleeding from the vagina); and
- External bleeding from the nose, mouth, rectum, eyes, and ears.[45] [46]

Symptoms with Other Diseases

Other diseases such as shigellosis, typhoid fever, malaria, cholera, leptospirosis, plague, rickettsiosis, relapsing fever, hepatitis, and other viral hemorrhagic fevers should be ruled out when considering the diagnosis for EVD. The evidence for Ebola virus RNA shed in semen and vaginal secretions for months after infection, making blood and secretions infectious for as long as sixty-one days after the onset of illness.[47]

Pathways for Transmission

Infected bodily fluid, excrement, and blood seem to be the main contact for direct transmission. Skin contact has also proven to be a point of transmission together with aerosol transmission of small particle matter of filoviruses, such as Ebola and Marburg. Research on Reston ebolavirus suggested circumstantial evidence of the ability of the virus to spread as an airborne contaminant with supporting observations of quarantine facility rooms showing aerosol infection, albeit a minor mode of spread.[48]

The Ebola Traveler

The EVD physical travel is tied to the travel itinerary of its host who inadvertently carries the virus; however, the Ebola virus can only spread through contact with bodily fluids and secretions of the infected patient, rendering the risk of infection for travelers as very low.[49] The human contacts at highest risk are those in close proximity to the infected party, especially caregivers. The travelers in the 2014 outbreak had made their way from Guinea to Liberia and Sierra Leone. In the case of the death of the Sierra Leone patient, surveillance of all the deceased contacts reflected no spread of the EVD.[50] Further, "Sierra Leone has instituted a temporary measure which includes reactivation of its 'Active Surveillance Protocol' that will see all travelers into the country from

either Guinea or Liberia subjected to strict screening to ascertain their state of health."[51]

Occasionally, a person becomes infected in an area where the virus occurs naturally and then travels elsewhere. If the virus is a type that can be transmitted further by person-to-person contact, the traveler could infect other people. For instance, in 1996, a medical professional treating patients with Ebola hemorrhagic fever (Ebola HF) in Gabon unknowingly became infected. When he later traveled to South Africa and was treated for Ebola HF in a hospital, the virus was transmitted to a nurse. She became ill and died. Because more and more people travel each year, outbreaks of these diseases are becoming an increasing threat in places where they rarely, if ever, have been seen before.[52]

Rate of Transmission and Geographic Mobility

The EVD outbreak of 2014 is having the largest Ebola disease impact footprint; however, this is not attributed to any biological characteristics but to containment and the social and physical mobility of people with greater geographic accessibility in terms of travel between towns and villages and crossborder movement.[53] Rigorous speed in containing the epidemic is also a critical factor in isolating the spread.

Treatment

There is neither a cure nor a vaccine for EVD, but various attempts at working on an antibody concoction have been made even with nonhuman primates. In light of a lack of a cure, treatment is critical, and intensive care with proper electrolyte hydration and intravenous fluids is necessary.

Prevention and Control

Containment through Tracing

Great efforts are being made in the present EVD epidemic to identify people, all of whom have come into contact with the infected patients, with 400 contacts under medical follow-up.[54] Contact tracing together with community awareness-raising has become key to prevention and containment of the spread.

Awareness-raising

Communities are being made vigilant of the need to practice strict measures in handwashing.[55] Caregivers are to avoid contact with bodily fluids and other pathways for transmission. Sterile procedures need to be enacted when handling blood and body fluids through the use of personal protective equipment (PPE)[56]—namely,

gloves, respiratory masks, and protective clothing. PPE also needs to be used in cleanups and disinfection. Cadavers still pose an infection risk and handling in burial requires PPE as well. Community action in curbing further infection proved effective in the 1976 Ebola outbreaks, which occurred in villages where leaders enforced quarantine in local houses.[57]

Health Care Facilities

Health care workers are among the case fatality numbers and are often infected before measures for disease spread prevention are taken. In the Kikwit, Zaire epidemic, the hospitals were closed due to 30 percent of the physicians and 10 percent of the nurses having been infected with EHF. The WHO reported that "the Guinean Ministry of Health, together with Médecins Sans Frontières, is currently identifying a location for the establishment of a single Isolation and Treatment Centre for all Conakry. While additional assistance, such as protective equipment and additional specialist teams, continue to reach Conakry, logistics and coordination remain challenging."[58] Barrier nursing techniques are imperative during contact with infected patients and should be instilled as a general practice beyond any epidemic.

International and Local Response Strategy

The global medical community has banded together to actively intervene and support West Africa in abating the epidemic through the dispatch of medical staff, laboratory support, health equipment, and resources to the affected hospitals and localities. The Médecins sans Frontières (MSF/Doctors without Borders) is helping the Ministry of Health of Guinea in establishing treatment and isolation centres.[59] Liberia is being assisted by international organizations, namely the International Red Cross, that are providing awareness campaign support and PPE for healthcare workers. Laboratory support has been provided via the Institut Pasteur in Lyon, France, and the Institut Pasteur in Dakar, Senegal. National government intervention in Guinea, Sierra Leone, and Liberia has taken form in the EVD emergency response plans and needs assessments. While international donor aid is a welcome relief during times of emergencies, the ad hoc nature and lack of sustainable plans for the recipient Third World countries cripples medium to long term solutions.

Microlife filoviruses are microscopic yet powerful and lethal, and we should not take this for granted in dealing with EVD outbreaks. Barrier nursing techniques and adherence to prevention measures in dealing with diseases should never be compromised even after the cessation of an epidemic. A clear lesson on this was the Ebola outbreak in Kikwit: "Despite intensive training, health care workers abandoned most of the improvements in medical hygiene within three months of the end of the epidemic, due in part to a lack of supplies and a reversion to previous practices."[60]

Early detection is critical to intervention and is intrinsically linked to the strengthening of local hospitals holistically in terms of medical infrastructure, resources, and training to deal with infectious and contagious diseases. The epidermal infection pathway was detected in skin biopsies: "In the Kikwit outbreak, almost five months passed from the beginning of the outbreak until the first samples were obtained. The ability to obtain a skin sample safely and without cold chain problems should encourage more use of this technique and may well give an earlier warning."[61] In the case of the Guinea EVD, "infected patients initially went undiagnosed for several weeks before tests confirmed Ebola."[62] According to the Washington Post, "It wasn't until March 23 that the news finally hit the World Health Organization (WHO). And by then, Ebola had already claimed 29 lives."[63]

Alleviating poverty, having basic water supply, shelter, and other basic needs met has an impact on disease control (water poverty affects hygiene measures during infection) and should also be a priority. All previous cases of African Ebola virus transmissions occurred in sites either in or near tropical forests in poor villages where "medical infrastructure was poor to begin with and suffered greatly from the epidemic."[64] This signals a desperate need in Africa for proper health systems, infrastructure, skills, and education on communicable diseases.

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Interview with Dr. Donald Kaberuka, President of the African Development Bank

INTERVIEWED BY NGOZIKA AMALU AND ELIZABETH BENNETT

Ngozika (Zika) Amalu is the editor-in-chief of the Africa Policy Journal. She is a second-year Master in Public Policy student at the John F. Kennedy School of Government at Harvard University. Previously, Zika was the Machel-Mandela fellow at the Brenthurst Foundation in Johannesburg, South Africa, where she conducted research on issues including public diplomacy and nation branding, intra-African investment, state building and democratic transitions, and security in the Sahel. At the Center for International Private Enterprise (CIPE) in Washington, D.C., she published case studies on democratic governance, anti-corruption reform, and business association and coalition building. Zika worked for a year in operations and finance for an entrepreneurship academy in Douala, Cameroon, and briefly as a consultant to the World Bank in Washington, D.C. She holds a bachelor's degree in economics from Georgetown University.

Elizabeth Bennett is the senior editor for interviews of the Africa Policy Journal. She is a second-year Master in Public Policy student at the John F. Kennedy School of Government at Harvard University. She previously lived in Johannesburg, South Africa, where she was the training manager and assistant director of microcredit for a small economic development non-profit. Prior to her work in South Africa, she was a writer in the Office of Presidential Correspondence at the White House. She also has experience working with the Rwandan government. Elizabeth holds a bachelor's degree in economics from Vanderbilt University.

APJ Editor-in-Chief Ngozika Amalu and Senior Editor for Interviews Elizabeth Bennett had the opportunity to sit down with Dr. Donald Kaberuka, President of the African Development Bank (AfDB), on the occasion of his visit to the John F. Kennedy School of Government at Harvard University for the Global Empowerment Meeting hosted by the Center for International Development. Dr. Kaberuka discussed the growing role of the AfDB as a financer of development on the continent

and how African nations must prioritize integration, infrastructure development, and inclusiveness in order to build a prosperous future for all its citizens over the next two decades.

APJ: ***Reflecting on the past decade or so, how would you characterize the evolution of the Bank under your leadership?***

KABERUKA: I will leave it to other people to judge how the Bank has evolved under my leadership. But I would like to say that I came into office during a critical time in the history of Africa. It was a time when Africa was undergoing a fundamental change. This began around the time of the turn of the millennium. That was a time when the Bank would be central to that evolution. We shaped what the Bank does around inclusive economic growth, the development of Africa's single market, and its private sector. So, as a result, when I came to the Bank, the Bank was lending around $300 million per year for private businesses. We're now lending $3 billion. We focused a lot of our activities on infrastructure and the single market.

Now, when I came in, the Bank had capital of $30 billion. It is now $100 billion. The Bank was doing about $6 billion of operations per year. It's now close to $14 billion. So, in terms of the focus and emphasis and the things we do, we have created greater momentum. I want to believe that my modest contribution has been to operate strategic choices that are consonant with Africa's needs at the time. At the same time, we have built added financial firepower, which, by the way, was very useful during the financial crisis of 2008 and 2009.

APJ: ***How does the AfDB determine the allocation of their portfolio, especially re: sectors, individual projects within sectors, and specific project allocation allotments? Additionally, how do you ensure that these allocations promote inclusive growth?***

KABERUKA: First of all, let's discuss country allocations. Country allocations are a function of performance. But we also recognize needs, as described by: low per capita income, fragility, that kind of stuff. Secondly, we are very keen on the creation of the single market. So, about 20 percent of our operations will go towards promoting regional integration. This can include projects such as power poles, common institutions, etc. So, on the one side, performance, and on the other side, economic integration of the continent.

Now, when it comes to middle-income countries, we look very much at the economic indicators, which then give us the sustainable lending levels. In other words, creditworthiness, market conditions, that kind of stuff. Having said that, we are very much aware that there are some countries in Africa where

performance is not as good as we'd like it to be but where you have millions of people in those countries that require support. So, we must bear in mind that if we don't fix that problem, it impacts the neighborhood. These are the countries coming out of conflict. For those, we have a special window for them. We call it the "window for fragile states." We want to help them rebuild their economies and rebuild their institutions. So, to summarize, we look at (i) performance, (ii) needs, (iii) Africa's single market, and then (iv) addressing the fragility of particular countries or regions.

APJ: ***Would you mind sharing an example of a particularly successful regional integration project that the AfDB played a role in financing?***

KABERUKA: I will give an example of what we're doing in East Africa. This is the region most advanced in Africa in terms of economic cooperation. On the soft side, for example, we funded the payment systems. These countries don't have one currency yet, but we organized the payment systems of the central banks to function as a quasi-currency. It's not real money, but it has been extremely effective. We are funding regional power poles so the countries can buy and sell power to each other.

Another example: next time you travel from Kenya to Tanzania by road, it is likely that you will use the modern highway (from Nairobi to Arusha) that we funded. And if you go from Kenya to Ethiopia, chances are you'll travel on a highway that we are funding. So, you will be able to travel from Addis to Dar es Salaam on a highway that we funded. We invest in physical infrastructure like power poles. But also soft, such as the payment systems. And many other things.

APJ: ***One quick follow-up to that response. What factors do you think have led to the success of integration within East Africa compared with other regions within Africa?***

KABERUKA: East Africa should be far, far ahead because they've been there before. In the 1970s, East Africa was indeed much more integrated than the European countries. They had a single currency. They had common services. They had one airline, one railway system, one central bank. The East African community was one of the most advanced systems of regional integration in the world. It fell apart in the mid-1970s because of political disputes. Now, they are resurrecting that. So, part of the reason for the success is there is a strong history of cooperation. But beyond that, I sense a lot of political will. They do not want to be distracted by narrow nationalism. There is a critical mass for strong cooperation.

APJ: ***Please tell us about how the AfDB raises funds to source projects. Additionally, if you see the role of the Bank to fill gaps in***

financing, please share how you identify those gaps. And what are the main challenges that you face in raising funds?

KABERUKA: We are a AAA-rated financial institution. Firstly, we raise money through the capital markets, very competitively. Secondly, for the poorer countries in Africa, we raise money from donors. This fund has about $8 billion. Thirdly, we leverage some of our public money from private capital markets. An example is an instrument we just created called the Africa50 Fund for Infrastructure. We mobilized Africa's own pools of savings and then external capital markets to try to close the gap in funding for Africa's infrastructure, which is about $42 billion. Right now, we can raise, from all sources, about $50 billion to put towards Africa's infrastructure. So, the Africa50 Fund will try to close this gap.

APJ: ***How does the Bank ensure that policies are not overly influenced by some of the preferences of those donor countries?***

KABERUKA: What do you mean influenced?

APJ: ***If there are misaligned priorities or preferences between the Bank and a donor country, how do you resolve those tensions or conflicts?***

KABERUKA: Donors who are members of the Bank and African countries have a large understanding of what has to be done. Sometimes, there are marginal differences between the two, and in order to resolve those differences, we search for compromise. One example is the case of energy. Many donor countries feel pressure from their parliaments (or from interest groups) to go for an almost purist energy policy. On the other hand, you have African countries that face significant energy poverty. So, we discussed these things for almost a year, and eventually, we found a compromise.

APJ: ***In closing, what do you see as the biggest priorities for the continent of Africa? And how do you see your role, after the Bank, in contributing to those priorities?***

KABERUKA: I think in the next twenty years the priorities of the continent can be described as the "Three I's:" Integration, Infrastructure, and Inclusion.

First, integration means arriving at Africa's single market. Or a series of single markets—maybe five. This is the only way that we can develop Africa's internal demand power so that we combine a model based on exporting to the outside world, but recognizing that we have one billion people, which has huge potential. Developing that means the single market is fundamental. Second, we must close the infrastructure gap

that is raising the cost of doing business—whether it is power, IT, water, or whatever else. And thirdly, our institutions must be inclusive. They should give everyone an equal chance, an equal opportunity.

Now, there are many things that can be done. But for me, these "Three I's" are absolutely essential. Everything else will revolve around them. In fact, some of these institutions, if inclusive, will help political stability. They will increase fairness. If we have a single market, we will reduce the cost of doing business, as well as the risk of doing business. If we invest in infrastructure, the single market will become a reality. At the end of the day, it's not solely about economic growth; it's about economic transformation. It is structural transformation where everyone has an equal chance to prosper.

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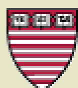

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