

INTERNATIONAL REPORTS



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Editorial

Dear Readers,

“Billions to no avail?” – this question was used to headline an article published this year in the newspaper Frankfurter Allgemeine Zeitung about Germany’s expenditure on development cooperation, which, the article states, is increasingly being questioned and criticised at home.

This discussion is not new: for a long time, there has been a debate among politicians and experts about whether the large sums of money that industrialised countries have been investing in the economic development of countries in Latin America, Africa and Asia, especially since the 1960s, have brought about significant progress, or in fact may have financed corrupt elites instead, thereby stabilising the latter. The debate has always been an important one: after all, development cooperation will only enjoy lasting legitimacy in society if, in addition to celebrating its accomplishments, its failures and misguided priorities are also clearly identified and subsequently corrected. This issue of International Reports seeks to make a critical and constructive contribution to this debate.

Looking at the articles included in this issue, alongside the positive developments, a number of different – and to some extent interrelated – problems and challenges of current German development policy do indeed emerge, which we need to address and from which we need to draw the appropriate conclusions, some of which are mentioned here.

The focus should be on concrete action – not on talking about it. “Do good things and talk about it” is an age-old wisdom that, to some extent, applies to development cooperation as well. For example, when the EU and its member states spend significantly more money on development cooperation in many regions than China does, but the local population has a much greater awareness of Chinese projects, there is indeed something wrong with the communication. But if more and more energy is spent on labelling development policy measures in such a way that they attract the goodwill of a narrowly defined electoral clientele back home, we are on the wrong track too. The most striking example of this is the “feminist development policy” proclaimed at the beginning of 2023. Targeted support for women has been an integral part of German development policy for quite some time: it is sensible and necessary for obvious reasons. It is doubtful, however, whether the high-profile promotion of these measures as “feminist” will result in additional benefits to the addressees in the future. As Stefan Friedrich and Mathias Kamp write in their article on development cooperation with

African countries, this kind of communication is by no means met with approval everywhere; indeed, it can even feed accusations of paternalism in some places. Well meant is not always well done.

Actual results should be the yardstick, not good intentions. It is good and right for us to set about shaping policy – including development policy – with certain values and ideals in mind. In the end, however, this policy must be measured by the actual results it achieves. Here, for example, it is instructive to look at our energy cooperation with African states, which Anja Berretta analyses in more detail in her article. Of course we can advocate the need for climate protection and stop promoting bridging energy sources such as natural gas in Africa, focusing solely on the promotion of “green” energies – as Germany often does nowadays under the slogan of the “just energy transition”. Yet in a world in which the Western states are not the only relevant actors, this can lead to the African countries concerned pursuing their gas projects with Turkish, Russian or Chinese partners instead, and we lose out on three counts: no orders for German companies, dwindling influence in these countries and, due to the use of poorer technology, more greenhouse gas emissions into the Earth’s atmosphere.

Rather than abstractly invoking a “partnership of equals”, we should be even more consistent in our efforts to cultivate respectful relations with our partners in practice. Hardly any concept in development cooperation sounds so desirable at first glance yet at the same time is so worn out as that of a “partnership of equals”. Let us be honest: equality in a relationship – be it military, economic or of any other kind – is not a condition that can be established by one of the two parties by rhetoric, but an expression of actual (approximate) equality. As such, it is neither dependent on our goodwill, nor is it necessarily in our best interests in every instance. Our goal must be a relationship based on mutual respect with our partners in development cooperation. We have undoubtedly made progress along this path in the past few decades. But we can and must improve (again) in the three aspects that this kind of relationship involves.

Firstly: Respecting our partners means understanding them as acting subjects. The fact that all action takes place within certain structures should be as undisputed as the fact that, for example in the case of most African states, structures created during the colonial era still have an impact today, at least to some extent. However, we must avoid feeding a narrative in which these countries appear only as passive victims of

adverse circumstances for which the Western states are to blame and which only the Western states can change: this would not only be a grotesque overestimation of ourselves, it would also unduly relieve the local elites in our partner states of their own responsibility.

Secondly: In a respectful relationship, it is not only acceptable but desirable for us to openly communicate our own interests and constraints on action. Aid based on a sense of humanity can certainly play a role in development policy, but no one would believe that this is always our sole motive. So let us be open about our interests in development cooperation – from economic benefits and climate protection to political stability and the reduction of unmanaged migration. This increases acceptance “back home” and enhances our credibility with partners. Take the case of Jordan, which Edmund Ratka examines in more detail in this issue: this example shows that development policy can and may take geostrategic considerations into account as well.

Thirdly: Respecting our partners means taking their interests seriously – and not just when they happen to suit us. Here, too, a look at our energy cooperation with African states is revealing. Obviously, the group of traditional industrialised countries will not be able to stop global warming on their own. Nonetheless, the main concern of many countries is first and foremost energy security. If we exclusively support the use of renewable energies in other countries while allowing ourselves to use more coal in times of energy scarcity, our partners rightly gain the impression that our energy security matters while theirs does not.

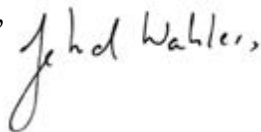
Economic considerations must not be pushed into the background. Development cooperation today is about much more than supporting economic progress in individual “recipient states”. It covers a wide range of areas, from cooperation on the rule of law, which Pavel Usvatov and Julia Leitz analyse in their article, to environmental protection and the development, production and distribution of vaccines. And rightly so: after all, global challenges such as climate change and pandemics require efforts in the area of development policy, too. Nevertheless, economic development and poverty reduction remain the most pressing concerns for many partner countries. And this is only too understandable given the persistent deficits in these areas. These concerns must also be reflected in the priorities set out for German development cooperation. The private sector and trade have a crucial role to play here. So

while it is welcome that Germany is strongly promoting the implementation of the African Free Trade Area, for example, it is regrettable to see that, if anything, things have taken a step backwards in terms of the involvement of German companies in our development policy. When economic improvements in our partner countries also benefit German companies, none of these countries perceives that as a problem – and neither should Germany.

Focus on the essentials: perhaps this is the most apt common denominator of the points set out here. And that approach is all the more urgent in times of tight budgets. But not only that: the international setting and domestic political developments in a number of partner states likewise suggest that a certain modesty might be advisable. There are numerous goals and values that we consider to be right and that we would also like to achieve in our partner countries through the vehicle of our development cooperation. But we should also recognise that the number of those who share these goals in the world has not increased in recent times. Just think of the Sahel, where one country after another has become the scene of military coups in recent years. Should we completely withdraw our development cooperation from countries that go against our preferences in terms of form of government and socio-political orientation? Can and should we continue cooperation, completely bypassing the respective government if necessary? We need to find nuanced answers to such questions, based on sober debate. The yardstick must be our interests and the likely developmental consequences of our decisions – not just how we feel about them.

I hope you will find this report a stimulating read.

Yours,

A handwritten signature in black ink that reads "Gerhard Wahlers". The signature is written in a cursive style with a large, looped 'G' at the beginning.

Dr Gerhard Wahlers is Editor of International Reports, Deputy Secretary General and Head of the Department European and International Cooperation of the Konrad-Adenauer-Stiftung (gerhard.wahlers@kas.de).

On the radar for quite some time: Climate change mitigation and adaptation have played a significant role in German development cooperation for years. This 2012 image shows the drying of coffee beans in a cooperative in Embu, Kenya, which by the time was assisted by the German Gesellschaft für Internationale Zusammenarbeit (GIZ) in adapting to shifting climatic conditions. Photo: © Ute Grabowsky, photothek, picture alliance.

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Interest-based Policy Rather than a Save-the- World Approach

Why German Development Cooperation with Africa
Must Be Reconsidered

[Stefan Friedrich / Mathias Kamp](#)

Germany's interests in Africa are self-evident. They range from business and security to political partnership in the context of global systemic rivalry. But is Germany making use of all its options to preserve its interests on the neighbouring continent? The answer to this is: no! Particularly in view of the immense investments that Germany is making in the field of development cooperation, the question must be raised as to whether these investments could not be made in a much more targeted manner – to the benefit of the African partners, but also in our own interest.

Our View of Africa: Adapting to New Realities

The perception of the African continent in Germany and Europe has long been in need of a fundamental correction. And the shift in our view of the world that is taking place in the course of the so-called *Zeitenwende* offers an excellent opportunity for this. “We have woken up in a different world today,” said Foreign Minister Annalena Baerbock on the morning of 24 February 2022 in response to the Russian attack on Ukraine. Yet the world did not change overnight – it was rather the shock effect of the Russian attack that forced us to face up to a changing reality. The geopolitical rifts and strategic challenges were long in the making.

This applies to developments on the African continent, too. The same kind of paradigm shift that we are observing with regard to our geopolitics and (collective) defence capability is needed in connection with our policy towards African partners. Our strategic action with regard to Africa encompasses a whole range of policy fields and instruments, but it is conventional development cooperation that continues to dominate.

There is some hope that the current debate will give rise to a more pragmatic, realistic and nuanced view of Africa. It is not easy to break through existing perceptions, stereotypes and narratives. A wildly romantic place of longing set against a safari backdrop; a crisis-ridden

continent marked by hunger, poverty and war; a continent of opportunity whose young population heralds a new age – these are probably the three images of Africa that prevail in Germany. They all share the same fundamental problem: they fail to do justice to the continent's complex, heterogeneous and to some extent contradictory dynamics. As African voices often feel compelled to explain to their German counterparts, “Africa is not a country”. This is an insight that should underlie the following considerations here, too. Much more so than in the past, our strategic orientation must leave room for regional and country-specific priorities that reflect the respective individual requirements.

Why is our view of Africa changing? There are essentially two reasons for this. Firstly, this shift has to do with developments on our neighbouring continent itself: contrary to the above-mentioned stereotype of crisis, a great many positive things have happened there. Countries such as Ghana, Uganda, Ethiopia, Sierra Leone, Mozambique and Rwanda have seen high annual economic growth of more than seven per cent. After the twofold slump resulting from the COVID-19 pandemic and the Russian attack on Ukraine, growth has since returned to high levels in many places. As a result of these developments, a middle class has emerged in many countries. The total number of people in Africa who are counted as belonging to the middle classes has tripled in the past 30 years and is currently estimated at around 330 million

people. There are significant differences in terms of distribution, however. In North Africa, the middle classes are strongest in countries such as Tunisia, Morocco and Egypt. Other countries with a relatively high proportion of the population in the middle classes include Ghana, Namibia, Botswana, Kenya and South Africa.¹ By 2060, the figure is expected to increase to more than half a billion people across the continent as a whole.

It is important for Germany and Europe to swiftly demonstrate a more credible approach to our African partners.

At the same time, progress has been made in other areas in Sub-Saharan Africa, too: since the beginning of the millennium, the share of people living in absolute poverty has dropped from 57 to 35 per cent, while life expectancy has increased from 51 to 61 years. What is more, Africa is a young continent. The average age of the population is currently 18.8 years (in Europe it is 42.2).² And it is the continent that is expected to see the most dynamic urban growth in the future. The UN expects the urban population to increase by 174 per cent between 2020 and 2050 (by way of comparison, the equivalent figure for Europe is eight per cent).³ This will have an impact on global demand for services of all kinds, too – a mega-business. Forecasts predict that more roads, bridges, houses, etc. will be built in Africa in the next ten years than were built in Europe in the past 100 years.⁴

Secondly, the altered view of Africa derives from global geopolitical changes. The rise of China as a global alternative to the West, Russia's efforts despite its limited means to act at least as a "spoiler" through arms deliveries and the Wagner Group, and the increasing involvement of other more or less authoritarian states such as Turkey or Saudi Arabia who wish to carve out their own place in the newly emerging world order – all this has brought "new" actors

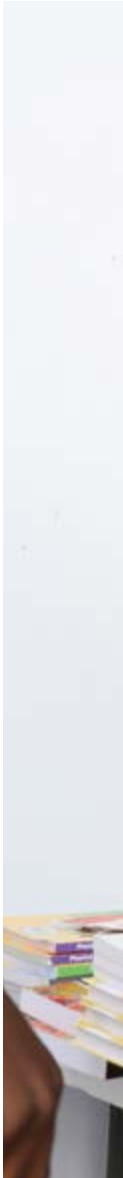
onto the international playing field. All of them have interests in Africa and are seeking to strengthen their economic and political role in the world, not least through increased engagement on this continent. This means that African countries now have a choice. This new situation, which is very positive from the African perspective, also derives from the fact that there are considerable amounts of raw materials and rare earths in African soil. These are crucial to the economy of the future.

This shift in awareness has come very late in Germany. We should not be especially proud of the fact that it has apparently taken a massive geopolitical rift to force us to thoroughly reconsider our perceptions. This is why it is all the more important for us to swiftly demonstrate a more credible approach towards our African partners. In the case of Germany and Europe, there is also the migratory pressure from Africa – something that is already clearly felt in the Mediterranean and indeed everywhere on Europe's southern borders. In places where living conditions and prospects are not improving sufficiently, young people in particular often see only one way out: to flee across the Mediterranean, to Europe. Traditional development cooperation will not be capable of adequately addressing all these challenges.

Old and New Ways of Thinking in Development Cooperation

The debate about the effectiveness and meaningfulness of development cooperation is essentially an old one, and the approach of creating a separate policy field for supporting development in other states has often been dubbed an outdated model. For decades now, critical articles have been published that put forward demands ranging from fundamental reforms to the complete abandonment of development cooperation.

After decades of support programmes worth billions, development cooperation has a very mixed record in terms of its effectiveness. In the search for causes, there are two things that come into focus: on the one hand the interplay with other



policy fields (such as global trading conditions) and on the other hand the list of unwanted (side) effects of misguided approaches. In view of the high level of expenditure involved, development cooperation is under pressure to justify itself at a domestic level, too. Nonetheless, denying its *raison d'être* is ultimately ignorant and fails to recognise the realities of global interdependency. Maintaining prosperity and peace at home

requires engagement abroad, too, and development cooperation is a central piece of the puzzle here.

In this context, it is worth asking what role development cooperation should play in concert with the various other ministries in terms of Germany's strategic foreign action. The traditional way of thinking in development cooperation has



Countering the crisis narrative: Whereas Africa is still frequently associated with poverty in intra-Western discourse, many countries are actually developing in a positive way, giving rise to an ever more numerous, well-educated middle class. Photo: © Seth, Xinhua, picture alliance.

long been outdated here, yet it seems to persist. It is based on a misguided interpretation of our historical responsibility combined with a naïve overestimation of our influence. The hubris of the assumption that we could solve the great challenges of other countries based on a logic of aid that is oriented towards our own norms and expectations leads to completely overloaded expectations. The result is that it is hardly possible to meet one's own standards. It is therefore all the more important – not least in external communication – to focus clearly on Germany's key interests and to dovetail development cooperation more effectively with other ministries with a view to achieving more coherent strategic foreign action vis-à-vis our African partners.

Hesitance in acknowledging our own interests undermines credibility – both at home and abroad.

Even though the word “aid” has long since been replaced by “cooperation”, the fundamental approach of development cooperation is often perceived as presumptuous and untrustworthy on the African side. When we fail to make our own interests clear, critical voices in Africa accuse us of hypocrisy. They point to our own profit from the “aid business” and the losses they themselves suffer from exploitation, global injustice and trade deficits, which make aid seem little more than a consolation. If, in addition, aid is overloaded with complex requirements, prefabricated concepts and patronising advice, no one should be surprised at being accused of paternalism. Moreover, a logic of pity and trying to save the world promotes a distorted perception in which African partners rightly feel that they are not being taken seriously. Development cooperation can and should offer room for an element of compassion, but this must not result in the assignment of a victim role – which in the final analysis is not infrequently influenced by racism. Africa does not need white saviours!

Development cooperation in its current form does not do justice to the goals it has set itself, nor is it attractive to African countries in view of the alternatives available. The current impetus coming from the German Federal Government is hardly a step in the right direction. The new Africa Strategy adopted by the German Federal Ministry for Economic Cooperation and Development (BMZ) endeavours to convey a more realistic view but remains unspecific as to how this is to be reflected in practice. Moreover, it falls behind previous BMZ strategies and positions with regard to the central issue of promoting private sector engagement. The loudly proclaimed feminist foreign and development policy does in fact pursue an important goal, but in its elaboration and communication it is meeting with considerable resistance on the African side, once again feeding accusations of paternalism.

Five Impulses for a New Development Policy towards Africa

1. Germany's strategic interests belong at the heart of development cooperation.

The economic and political challenges of the past years have left their mark on budget estimates for development cooperation.⁵ In Germany, it can be assumed that the burdens of COVID-19 and the *Zeitenwende* marked by Russia's war on Ukraine will also have an impact on the BMZ budget and on other budgets that Germany can count as official development assistance (ODA). This also increases the necessity to provide a better justification for this expenditure than before and to place it in a context that is more plausible to the people of Germany, too.

All this requires a considerably higher degree of sincerity and consistency. Hesitance in acknowledging our own interests in the context of development cooperation undermines credibility – both at home and abroad. It also weakens a goal-oriented focus of Germany's own resources. The manifold motives of development cooperation cannot be brushed aside. Furthermore, it is explicitly not about undermining

the humanitarian and charitable component. After all, this is directly linked to Germany's key interests – especially with regard to promoting stability.

However, a compass for development cooperation that enables prioritisation and focus must place Germany's clearly defined and articulated strategic interests at the centre of action. The emphasis should be on the triad of our most important strategic interests: development of the economy, a strong position in (systemic) competition and the guarantee of stability. In this context, development cooperation must not be a sideshow. It must not solely follow its own logic, but should be pursued in a way that complements and supports other policy fields.

Although the geographical focus on Africa provides an important frame of reference, there is a need for greater differentiation in development cooperation. It is important to avoid simple categorisations and “package deals”. Well thought-out and more individualised country approaches provide space for taking strategic interests and priorities into account. It is inadequate to present prefabricated concepts that supposedly apply to the entire continent, for which selected countries can then qualify. Instead, cooperation with each particular country must be negotiated on an individual basis. This does of course require the capacity to give the individual countries the attention they deserve (which, incidentally, also includes the willingness to ensure that those who meet African visitors have the appropriate level of seniority – in other words meet them on an equal footing). But this is a price we must be willing to pay, especially if we are relying on alliances in Africa and with African partners in the context of geostrategic competition.

In this connection, it is also important to intensify dialogue with actors in research, civil society and the private sector, since they can make a significant contribution to developing expertise that is relevant to individual cases. Moreover, Germany urgently needs its own research institute to address the central issues and challenges facing African countries and the continent as a

whole. The key task of such an institute would be to competently inform policy-makers, business, society and the media in Germany and Europe about relevant developments on the neighbouring continent. It is very regrettable that plans for such a project were not implemented in the last legislative period due to disputes between the ministries involved.

A clear definition of interests enables us to prioritise when it comes to selecting partners and fields of activity.

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2. We must be much more responsive to the interests of our African partners and refrain from paternalism.

Interest-based policy rather than a save-the-world approach: even reduced to this formula, this is a demand that is not at variance with the expectations on the African side. The point here is that development cooperation should also be more responsive to partners' interests, expectations and priorities. This requires a better understanding of perceptions and the genesis of positions on the African side (which might have made it less surprising – especially from a German perspective – that many African states have not condemned Russia for its attack on Ukraine). A clear definition of interests on both sides makes it possible to identify overlaps, map out win-win scenarios, and prioritise when it comes to selecting partners and fields of activity.

It must also be clearly established that corruption and elite capture – the appropriation and exploitation of state resources by a small elite to the detriment of the population at large – are an obstacle to genuine partnership with Germany. And such practices should also be tackled head on. Ultimately, this is also in the interest of the country in question and its people. After all, the accountability of the elites is something that is demanded by civil society representatives in the partner countries in Africa, too. This is also

where the criticism of cooperation with a player like China is greatest – which is what we need to take as our starting point.

We should also avoid being accused of introducing a new paternalism into bilateral relations with Africa, however. It is obviously right for us to point out our position on the rights of the LGBTI community, for example, and to openly communicate our opposition to laws such as those currently being introduced in Uganda.⁶ Yet this must not lead to our entire policy towards this country being held hostage to a single political decision. Given the increase in systemic rivalry, it would be fatal if we were to furnish our authoritarian opponents with arguments that they would be only too happy to use against the “evil and decadent West”.⁷

We have to recognise the new geopolitical realities. The countries of Africa now have new strategic options, and this goes hand in hand with a new African self-confidence. The West is no longer automatically the first choice on the continent not least because we far too often make offers that do not meet demand on the ground.

A look at the EU’s Global Gateway Initiative is very enlightening in this connection. The EU is looking to generate enormous sums of money together with the private sector to promote development in the Global South (there is talk of 300 billion euros, half of which is to go to Africa). The energy aspect in particular is of outstanding importance as a key factor for economic development in Africa. Yet the EU makes its offer dependent on only supporting “green energy production”. This is certainly correct as a medium-term and long-term goal. However, the exclusion of any support in the area of fossil energy sources means that many partner countries simply do not see this as an attractive offer. They need to swiftly achieve higher levels of electricity production, but this cannot be done using green technology alone (a problem that Europe faced, too, even before the end of cheap gas from Russia). After the *Zeitenwende*, Europe now seems entirely lacking in credibility. We continue to demand from African partners

that they switch exclusively to renewable energy production while we ourselves at the same time are seeking gas deals with Senegal and Qatar. Instead, the EU should promote bridging technologies in African countries, too, such as the construction of low-emission gas-fired power plants. This really would meet the interests of the African states, while at the same time potentially providing a sales market for European technology. If such measures were to reduce the share of coal and oil in the energy mix of African countries, they would have a positive impact on the environment, too. And according to calculations by the Mo Ibrahim Foundation, the negative effects on the global climate would be limited: if all countries in Sub-Saharan Africa (with the exception of South Africa) tripled their energy consumption and used solely gas to do so, this would only increase global CO₂ emissions by 0.6 per cent.⁸

The sometimes lecturing manner of Western experts is rightly perceived as disrespectful by African partners.

For its part, China has officially announced that it will no longer support coal-fired power plants abroad, but it can be assumed that the People’s Republic will still be open to supporting the construction of gas-fired power plants. If the latter are not of the highest standard in technological terms, Europe would lose out on two counts: it would miss out on orders from Africa while at the same time foregoing the chance to reduce CO₂ emissions in Africa through the use of Europe’s most advanced technology. Or, as the news magazine *Der Spiegel* put it: “While the African Union pushes for funds for lucrative gas production, Europe prefers to promote the expansion of renewable energies. This may make sense from a European environmental policy perspective, but it ultimately remains exactly that: the European perspective.”⁹

3. We should offer cooperation rather than aid and focus on subsidiarity in partnerships.

The donor-recipient relationship that has long prevailed has outlived its usefulness in relation to many partners (though not all). It has long ceased to reflect the continent's very complex and diverse realities and no longer meets the expectations of our African partners either. Nowadays, it is not primarily unilateral offers of aid that are needed but instead offers of cooperation that take account both of our partners' interests and of our own.

There is no way around the fact that development progress must ultimately come from within the countries themselves. We can make offers of support, but in doing so we must take our African partners seriously and negotiate with them on an equal footing for mutual benefit. This also means trusting and expecting our counterparts to clearly set out their own priorities and problem-solving approaches. The sometimes lecturing manner of Western experts and the lack of sensitivity towards local expertise are rightly perceived as disrespectful by African partners. Subsidiarity means taking local autonomy seriously and strengthening it. This obviously might also include calling for efforts to improve framework conditions on the part of African partners.

The aforementioned example of being open to different technologies falls into the category of "making offers of cooperation". In the field of security policy, too, we should listen much more to what our African partners have to say. We have learned from the difficulties with the Malian government, at least to the extent that regarding the originally planned engagement in Niger, training was supposed to go much further to simulate real-life combat situations with local soldiers – just as African partners have always called for. The large amount of "theoretical instruction" (including training with wooden rifles) on the EUTM training mission caused great frustration on the part of the Malian troops. Particularly in view of the spread of jihadist groups in West and East Africa – a development

that has been observed for years – it is hard to understand why this issue is virtually absent from the BMZ's new Africa Strategy. In the German government's new National Security Strategy, too, Africa regrettably only receives passing mention – a missed opportunity to elaborate more clearly the strategic orientation towards our neighbouring continent in the area of security policy, too.¹⁰

The driver of all development is the private sector.

Despite all the emphasis on focusing on interests and on subsidiarity, a new definition of development cooperation must continue to offer room for genuine aid strategies. This is particularly true with regard to acute humanitarian emergencies, for example resulting from violent conflict, natural disasters and the drastic consequences of climate change. The correct use of development cooperation instruments is crucial here, however. Emergency aid must be swift and uncomplicated, financially sound and internationally coordinated. At the same time, there must be a much greater focus in the medium and long term on crisis prevention, adaptation and resilience. In addition, solidarity-based commitment must not lead to local elites being able to shirk responsibility, concealing political failure on the part of local decision-makers. There are sadly far too many negative examples of this.

4. We must prioritise business and trade – for the good of both sides.

The driver of all development is the private sector. The progress made by the People's Republic of China over the past 30 years is a very good example of this. No one will argue that Western development aid was responsible for the People's Republic becoming the world's second largest economic power. In Africa, too, development will only succeed by strengthening business and trade. This is something we can observe even

now: after all, the above-mentioned growth figures in many African countries have much to do with the fact that more and more countries are making great efforts to enter the African market. Everything needs to move faster, however – and if factors such as sustainability and African

ownership are to play a role, too, then our offers have to be competitive. This means we have to stop putting ever more and ever greater shackles on Western companies when they engage in African countries. Stronger engagement by German companies in Africa would in principle be



welcomed, but originally well-intentioned legal requirements might actually impede this expansion. It is alarming to see that in the wake of the adoption of the German Act on Corporate Due Diligence Obligations in Supply Chains (which now has an even stricter European counterpart),

many German and European companies are considering withdrawing from the African market.¹¹ For example, Strabag announced at the end of last year that it would no longer be participating in tenders in Africa due to the requirements of the Supply Chain Act.¹² If German and European companies withdraw and the commissions in question go to Chinese, Turkish or other companies that do not (have to) comply in any way with the requirements of the Supply Chain Act, nothing will have been achieved.

Development cooperation funds should be linked much more strongly and specifically to private sector initiatives.

As such, breaking out of a logic geared solely towards aid should also go hand in hand with development cooperation funds being linked much more strongly and specifically to private sector initiatives. Development cooperation that promotes the engagement of German companies in Africa can unleash immense leverage and achieve many times the intended impact – especially with regard to key aspects such as industrialisation, innovation and employment. The previous German government already launched several initiatives in this context – including the Compact with Africa, the Marshall Plan with Africa and others. Nonetheless, the logic of aid continued to dominate these initiatives, too: there was still no clear rule that business and trade should take precedence. This is now imperative, however, not least because of the competition with other players.

“We need trade, not aid!”: That demand is regularly heard from African representatives in conversation with their European counterparts, which is why business and trade should be given priority in German development cooperation.

Photo: © Fred de Noyelle, Godong, picture alliance.



This is also in line with how many local partners see their own position. “We need trade, not aid!” is a regular demand in discussions with European players. In view of this, German policy should also respond much more than it has done so far to the demands of various business associations. Numerous statements calling for German development aid funds to be used to support German investment in Africa have recently been made by the Federation of German Industries (BDI), the German-African Business Association (AV) and the Mechanical Engineering Industry Association (VDMA), as well as by less obviously business-friendly actors such as the German Africa Foundation.¹³ If the goal of development cooperation is to fight poverty and generate prosperity, this kind of cooperation is the most promising way to achieve it. If German companies also profit in the process, that should not scare us: it just has to be ensured that both sides benefit.

As part of this process, German businesses have to adopt a new mindset, too. Up to now, Africa has tended to be seen as a supplier of (unprocessed) raw materials. Yet our common interest must be to enable value creation in the partner countries, too. Similar to the situation in China in the 1980s and 1990s, German and European companies must be prepared to facilitate technology transfer to Africa. There is still a long way to go here, as shown by the fact that less than 2 per cent of Germany’s global direct investment goes to Sub-Saharan Africa (with South Africa accounting for 70 per cent of this amount). Incentives, knock-on financing and risk coverage are needed here – and these should be allowed to come through development cooperation as well. The issue of infrastructure financing, which was neglected by the West for many years – and then taken on by China – should also be assigned a much more important role.¹⁴

Moreover, the issue of financing should be put on the agenda for joint projects. African actors currently have a much worse credit rating than Europeans, for example. This means that investments are significantly more expensive per se for Africans than they are for Europeans. Joint

projects should benefit both sides in this context. And the agricultural sector must not be overlooked: the supply crisis resulting from the Russian war of aggression against Ukraine has clearly demonstrated the great dependence of the poorest states in Africa in particular on food supplies from Ukraine and/or Russia (up to 80 per cent). In view of the fact that 60 per cent of the potential agricultural land in Africa is as yet unused, this area should also be given much greater consideration in German policy. The main aim should be to build up and strengthen an industrial agricultural economy. Germany has a great deal to offer here – from basic advice to modern “smart farming”.

Coherence is ultimately a matter of political leadership.

On a positive note with regard to German development cooperation, Germany is by far the largest national supporter of the African Continental Free Trade Area (AfCFTA). If successful, this project will also greatly increase the chances of success for German companies that wish to get involved in Africa.

Last but not least, we must also make sure that projects supported with German tax money out of good intentions are not implemented by actors who directly compete with us. It is not very helpful that Chinese companies have regularly won German development cooperation tenders in Africa in the past: it means that German taxpayers’ money is used to implement “Chinese” projects that hardly meet the standards of sustainability and transparency that Germany usually upholds.¹⁵

5. We must see development cooperation as a cross-cutting task dedicated to coherent strategic foreign action.

Germany is now alone among the OECD countries in having a separate ministry for development cooperation. There are good arguments

against this institutional separation. Nonetheless, abolishing the BMZ is neither absolutely necessary for the required reorientation, nor would it automatically bring about the hoped-for improvements. Coherence is not only a question of institutional structures; in fact, it is more a matter of networking and coordination and therefore ultimately of political leadership. If we see development cooperation in Africa as a strategic element of German foreign action, close dovetailing with other sectors and ministries is indispensable. In view of Germany's geostrategic, economic and security interests, coordination with the Federal Foreign Office and, beyond that, with the Ministry for Economic Affairs and Climate Action (BMWK) and the Ministry of Defence is required here as a central function. Responsibility for a coherent strategic approach on the African continent ultimately lies with the German Chancellery, however, which must be the primary source of impetus here. Various actors in the German Africa scene are now calling for the position of a "Business in Africa" coordinator to be established at the Chancellery. Most recently, the VDMA called for a Minister of State or Parliamentary Secretary of State at the BMWK to be entrusted with coordinating the federal government's activities in Africa.¹⁶ However, it would be preferable for this position to be integrated into the Chancellery, which is where a coordinator post of this kind should be based.

Coherence does not mean excessive uniformity and monopolisation. The German pluralistic approach to development cooperation may have significant weaknesses, especially with regard to departmental coordination and the consistent strategic orientation of state actors. Yet this very approach offers additional opportunities that we should continue to make the most of. It is also important to systematically include the various channels beyond bilateral governmental and economic cooperation, including the well-developed networks maintained by aid agencies and political foundations and the local expertise that is pooled within them. These channels and networks are particularly crucial when it comes to accessing diverse local actors that are

so important with regard to the subsidiarity principle explained above. One key issue is the strengthening of development-oriented and pro-democracy forces in African countries (civil society organisations, media, political parties or trade unions). The pluralistic approach offers opportunities to do better justice to the contradictory realities in Africa and to implement long-term positive measures, also in a way that is detached from current political constraints and dynamics.

Conclusion

We have to be aware that Germany's economic success forms the basis for our ability to provide offers of development cooperation to African partners and to propose collaborative ventures that are attractive to both sides. The funds used by Germany for development cooperation must also be effective in terms of the economic interests of both sides. The key initiatives must always come from the partner countries themselves. What development cooperation really can do, however, is to provide knock-on assistance – and this is what German development cooperation, too, should focus on.

– translated from German –

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[Aspiration and Reality. On German Development Cooperation](#)

Trapped in the Crisis Mode of the Status Quo

Jordan Is Stable, Not Least thanks to German Support –
But a Political Strategy Is Lacking

Edmund Ratka

Jordan has become one of the top recipients of German development funds over the past decade. As a way of supporting an anchor of stability that cooperates with the West in the otherwise so troubled Middle East region, this has certainly been successful. Yet not only does international aid to Jordan risk getting mired down in details. The influx of money from abroad also takes pressure off the elites to reform, and the country is stuck in a cycle of dependency. Instead of continually embarking on new projects, development cooperation with Jordan needs a political strategy – and that applies to cooperation between Jordan and Germany, too.

Jordan is an authoritarian monarchy with democratic elements. Public political debate is possible and at times there is very marked criticism of the government, not least in the Hashemite Kingdom's elected parliament. Yet what parliamentarian Mohammed Al-Fayez did at the end of 2022 clearly went too far. While weeks of strikes and protests by freight forwarders and truck drivers against rising fuel prices were paralysing large parts of the Jordanian hinterland, Jordan's Prime Minister Bisher Al-Khasawneh travelled to Riyadh for consultations (apparently with the hope of a cash injection, too). Al-Fayez then published a letter to Saudi Crown Prince Mohammed bin Salman complaining that Saudi Arabia's generous support for Jordan "only lines the pockets of a corrupt class that enriches itself at the expense of Jordanian dignity". The Jordanians were too proud to be called beggars, Al-Fayez heatedly remarked: "We don't want your help!"¹ Despite coming from an influential family, Al-Fayez was immediately removed from office by a large majority in parliament and disappeared from the political scene.

This provocative letter expressed a populist sentiment that is anathema not only to Jordan's elites. Many Jordanians fear that political incitement in the guise of democracy could endanger the stability of their demographically and socially diverse country. The ousted parliamentarian certainly touched on a sore point, however. Every

day, Jordanians hear about development projects and aid money flowing into the country, while social inequality is worsening. There are increasing complaints about the declining efficiency of the state, including everything from administration and education to healthcare – at least among those who lack good contacts to the authorities and are unable to afford the expensive private schools and state-of-the-art private clinics in the capital Amman (or abroad).

For decades now, there has been political and academic debate about the extent to which a steady flow of development funds from outside reduces the pressure for reform in the recipient country, perpetuating dysfunctional structures and therefore potentially being counterproductive. The majority opinion among experts is now that there is no clear, universal answer to this question: everything depends on the individual case.² And Jordan, too, shows that there is no simple answer. The enormous international support that it receives because of its geopolitical significance is both a blessing and a curse.

Geopolitical Significance of Jordan

"Anchor of stability" is the attribute most often used by politicians from Germany and other Western countries when talking about Jordan. And that is certainly true. Jordan shares borders with Syria and Iraq, two countries that have been

rocked by civil war, proxy conflicts and terrorism in the past two decades. To the west, across the Jordan River, the Israeli-Palestinian conflict, which had smouldered for years, has recently escalated with the massive terrorist attack on Israel perpetrated by Hamas on 7 October and the ensuing Israeli retaliation in the Gaza Strip. Jordan's southern neighbour Saudi Arabia is an unwieldy partner for Europe and the United States that is becoming steadily more independent and self-confident.

Notwithstanding its involvement in the Arab-Israeli wars of the Middle East in 1948/1949, 1967 and (at a low level) 1973, Jordan has always maintained a cooperative relationship with the West. During the Cold War, the Hashemite Kingdom was considered a bulwark against the

revolutionary socialism of the Arab republics. Most recently, it has become an important base for Western troops carrying out operations in the Middle East. The German Federal Armed Forces have been in Jordan since 2017, using it as a base for their involvement in the international counterterrorism efforts in Iraq. In the course of the current reorganisation of its forces in the region, the United States is actually increasing its presence in the country, with more than 3,000 soldiers now stationed there. A new US-Jordanian defence agreement was signed in early 2021, among other things allowing the US army to bring troops and material into Jordan without specific controls and enabling them to move freely in the country. Some diplomats quip that the country is an "American aircraft carrier in the desert".



"American aircraft carrier in the desert"? Jordan's King Abdullah II in conversation with US General Michael Kurilla. The United States has recently increased its already strong military presence in Jordan. Photo: © Royal Hashemite Court, Zuma Press, picture alliance.

For both the Americans and the Germans, supporting Jordan always means supporting Israel, too. Tel Aviv and Amman signed a peace treaty back in 1994. Israel shares its longest border – 240 kilometres in length – with Jordan, one that has been peaceful for decades, not least thanks to security cooperation between the two countries. Jordan still maintains good relations with the Palestinians, too, especially with the Palestinian Authority, and attempts to play a mediating role in the Middle East conflict.³ For Germany in particular, there is a further motivation to stabilise Jordan: its capacity to take in refugees. In the past, the country has already been a place of refuge for hundreds of thousands of Palestinians who were driven from their homes in the Israeli-Arab wars. Since the beginning of the civil war in Syria in 2011, more than a million people have fled from there to Jordan – equivalent to around ten per cent of the Jordanian population.⁴

Jordan recorded the receipt of foreign assistance amounting to 4.4 billion US dollars, with its overall state budget totalling around 10 billion.

Yet even beyond its role in relation to security and refugee policy, Jordan has a key function in terms of further development in the Middle East. Large-scale regional infrastructure projects require Jordan's participation simply by virtue of its geography, and Jordan enjoys a good reputation among many regional actors due to its traditionally moderate and dialogue-oriented foreign policy. This applies to ideas that seem rather visionary at the moment, such as a rail link between Saudi Arabia and Israel, but it is also true of concrete efforts to boost regional energy and electricity cooperation. One prominent example of this is the reopening/expansion of the Arab Gas Pipeline, which is to be used to supply Egyptian gas via Jordan to Syria and Lebanon.⁵ In view of this geostrategic situation,

Jordan has attracted the interest – and therefore the resources – of Western powers ever since it became a state.

A Country on a Drip

The predecessor of the Kingdom of Jordan, the Emirate of Transjordan, emerged in 1921 from the remains of the Ottoman Empire after the latter's defeat in the First World War. The then British colonial minister Winston Churchill is credited with saying that he created the country "with a stroke of a pen one Sunday afternoon". The desert strip east of the Jordan River, still sparsely populated at that time, was dominated by largely independent tribes while at the same time being a refuge for Arab nationalists from the Levant, who fought from there against colonial influence in an attempt to create an expanded Arab empire. Meanwhile, the Hashemite Prince Abdullah was setting up his own power base in Transjordan. Abdullah was one of the sons of the Sharif of Mecca, who had fought on Britain's side against the Ottomans in the First World War, so the British now supported Abdullah's ambitions to rule so as to pacify the region in their own interests. Indeed, without the financial support from London and the help of the Royal Air Force, Abdullah would hardly have succeeded in gaining control over recalcitrant local tribal leaders and repelling the attacks of desert warriors from the Arabian Peninsula. International support was thus integral to the young state's model of rule from the very beginning, enabling it to hold its own despite its meagre resources and the expansionist desires of its more powerful neighbours.

The United States replaced the British as Jordan's protector in the 1950s and remains the country's most important donor to this day. Its financial assistance to date totals more than 26 billion US dollars and is now around 1.5 billion US dollars per year. This means that Jordan is currently the second largest recipient of American financial aid (after Israel).⁶ The World Bank and Germany follow the United States in the list of top donors. In 2022, the Jordanian government recorded the receipt of foreign

assistance – including soft loans and funds to take care of Syrian refugees – amounting to 4.4 billion US dollars (around 40 per cent of which took the form of budget support), with the country’s overall state budget totalling around 10 billion US dollars.⁷ In addition, the Arab Gulf states are investing in specific infrastructure projects such as motorways and hospitals; these investments are not necessarily statistically recorded as development aid (but they are highly visible to the Jordanian population).

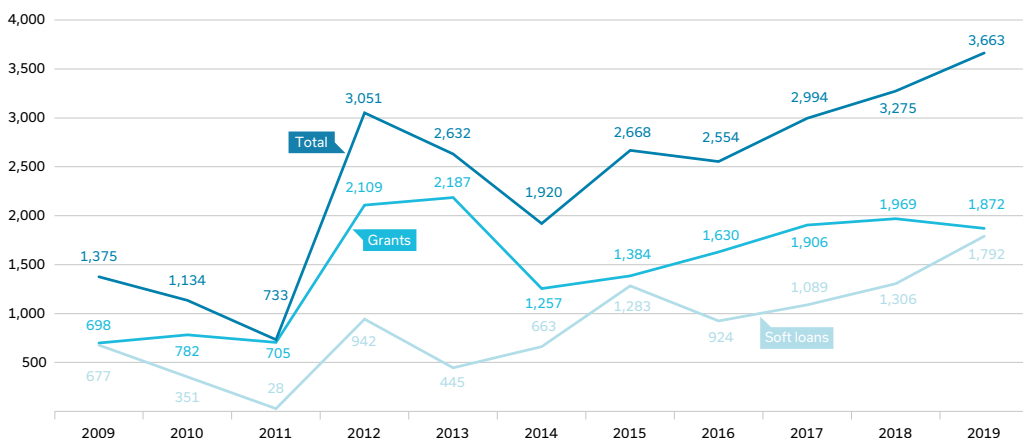
If Jordan were to succeed in emancipating itself more from international aid, its foreign policy could become more independent.

De facto, Jordan therefore pursues a rentier state model, at least in part, in which the external capital inflow is not generated by exporting oil and gas (as is typical of the monarchies in the Gulf, for example), but by raising international aid money. It has long been recognised that such a model has disadvantages for a country’s

democratic development and for a diversified and innovative economy, especially with regard to the Arab world.⁸ This applies, at least to a somewhat lesser extent, to Jordan, too, as the country’s former foreign minister Marwan Muasher recently openly lamented: “Jordan’s current economic state is the inevitable and accumulated result of an economic and political approach that has largely depended on rentier economics and foreign aid to manage the country. The government has made no attempt to build an economic system based on meritocracy, productivity, and its own resources.”⁹ Indeed, annual growth in Jordan over the past decade has been limited to just over two per cent of economic output. One in three Jordanian employees works in the public sector, which has reached its limits in terms of its capacity to absorb more manpower. The unemployment rate in Jordan is over 20 per cent – and twice this figure for young adults. At 14 per cent, the female employment rate is among the lowest in the world.¹⁰

In addition, dependency on international aid may entail restrictions on political maneuvering space. Jordan felt this particularly acutely when it opposed the US-led military campaign against Iraq in 1991: the United States and the

Fig. 1: Development of International Financial Assistance to Jordan (in Million US Dollars)



Data for 2016 to 2019 without funds for refugee aid. Source: own illustration based on Ministry of Planning and International Cooperation 2019: Foreign Assistance Report 2019, in: <https://ogy.de/9p85> [28 Jul 2023].

Gulf states temporarily suspended their support as a result. A complaint now increasingly heard in Amman is that Jordan is unable to defend its own interests more resolutely in the Middle East conflict, especially vis-à-vis Israel, because it has to pay too much regard to the positions adopted by Western countries. In economic policy, Jordan also has to follow the guidelines of international financial institutions – which has negative consequences in terms of the legitimacy of political decisions within its own population.¹¹ The reverse might then also be true: if Jordan were to succeed in emancipating itself to a greater extent from international aid, its foreign policy could become more independent – and therefore more independent of the West. Is that in Germany’s interests?

The volume of German development cooperation with Jordan has increased tenfold within a decade.

For the time being, however, Jordan’s state and economic model remains dependent on external support. Since the outbreak of the “Arab

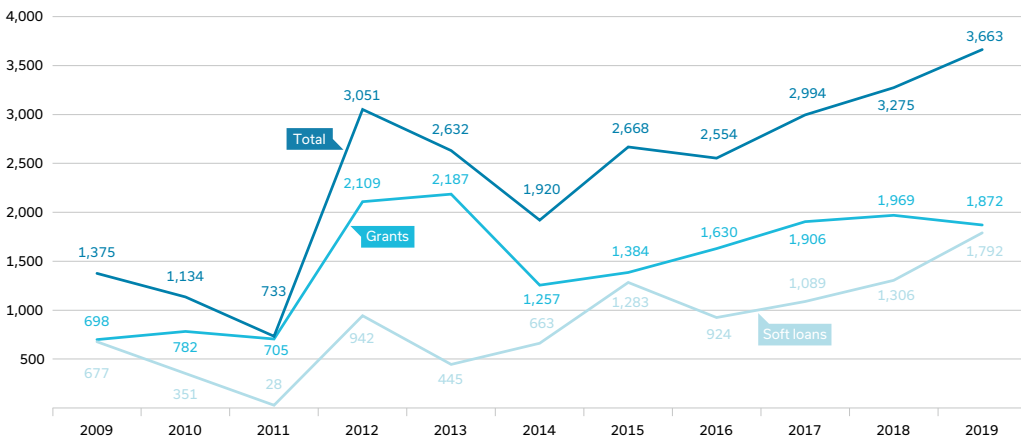
Spring” and the Syrian refugee crisis more than ten years ago, international aid to Jordan has tripled, now having settled at a high level.

German Development Cooperation in Jordan

The series of civil protests known as the “Arab Spring” set off a shock wave in the Arab world that took a particularly destructive turn in Syria in the form of civil war. Jordan has been severely affected by the influx of refugees from its neighbouring country and the breakdown of Syrian-Jordanian economic relations. At the same time, it gained importance as one of the remaining stable states in the crisis-ridden, war-torn region – especially for Germany. The volume of German development cooperation with Jordan has increased tenfold within a decade – from around 40 million euros per year before the “Arab Spring” to the current level of about 400 million euros. In 2019, Germany made a record pledge of 729 million euros (for projects lasting several years in some cases), most of which went into financial cooperation and soft loans.

At the most recent government negotiations in October 2022, for example, the German Federal Ministry for Economic Cooperation and

Fig. 2: German Development Funds for Jordan (in Million Euros)



Source: own illustration based on data published by the OECD, converted into euros, see OECD Library, in: <https://stats.oecd.org> [28 Jul 2023].

Development (BMZ) pledged 95 million euros for the education and employment of Syrian refugees alone.¹² For years, Germany has been promoting “shift work” at Jordanian schools by means of such measures as paying additional teacher salaries. This enables regular schooling for 150,000 Syrian children. Thanks in part to international and in particular German support in looking after refugees, the latter have experienced a better reception in Jordan than in Syria’s other neighbouring countries. Nevertheless, the question increasingly arises as to the extent to which Syrian refugees should be integrated into Jordanian society or whether the primary aim is to work towards the prospect of an early return to Syria. The Jordanian government would prefer the latter solution and does not see any long-term absorption capacity for Syrians in its country – one of the reasons it is seeking rapprochement with the Assad regime in Damascus. By contrast, Germany and other Western donors are pushing for greater integration. It is true that the majority of Syrian refugees hope to return “one day”. In a recent survey by the UN Refugee Agency (UNHCR), however, only three per cent said they really intended to do so within the next year.¹³ As in other areas of German development cooperation with Jordan, the question arises here as to a shared longer-term objective that goes beyond immediate crisis management.

German development cooperation risks getting mired down in the constantly increasing number and intricacy of projects.

Even beyond the support for Syrian refugees, education and employment are a priority of German development cooperation, the focus here being on women and rural regions. Germany’s flagship in the education sector is the German Jordanian University (GJU), founded in 2005. Based on the model of a German university of applied sciences, it educates some 5,000

students, each of whom is required to spend a semester studying in Germany. The GJU is rightly considered a model of success: alumni with a link to Germany are frequently found working as young leaders in various positions in Jordan’s public and private sectors. The impact of the GJU – which is also financed by high tuition fees – inevitably remains limited, however. In fact, it fits into an increasingly noticeable division in Jordan between good, mostly private educational institutions with an international orientation on the one hand, and public schools and universities on the other, whose quality is stagnating at best and whose graduates fail to find their feet in the job market.

The third and traditionally most important priority area of German development cooperation concerns the water sector – water being an existential resource for Jordan. The population has increased tenfold since the 1960s, so there has been an enormous increase in demand. However, three quarters of Jordan’s land area is desert, and the country is now considered one of the most arid in the world. Germany has been involved in this sector for decades, from infrastructure projects such as the construction of sewage treatment plants and wells to advising on water tariff reforms. The German development bank KfW alone has ongoing projects in Jordan’s water sector with a volume of more than 800 million euros.¹⁴ Jordan is currently planning new large-scale projects to develop additional water resources through the desalination of seawater on the Israeli Mediterranean coast and off the south Jordanian port city of Aqaba on the Red Sea. For the latter project, the European Investment Bank has also pledged a loan of more than 500 million euros. Bilaterally, Germany will contribute a further 65 million euros through the KfW.

The More the Better?

Although Germany is addressing structural deficits and needs that are genuinely important for Jordan, fundamental challenges in development cooperation are evident at both the strategic and the operational level. This is because, in



Water scarcity: The expansion of Jordan's water infrastructure is a focus of German development cooperation with the Kingdom. However, due to technical defects and theft, only half of the water produced reaches the end consumers. The picture shows a waterworks located at the King Talal Dam. Photo: © Thomas Imo, photothek, picture alliance.

spite of the aforementioned priorities, German development cooperation is not integrated into a political vision for the country. Instead, it risks getting mired down in the constantly increasing number and intricacy of projects. The sheer number of German organisations and political bodies active in more and more areas inevitably leads to duplication, making it more difficult for German support to have a leveraging effect – no matter how hard the actors involved on the ground may attempt to coordinate their activities with each other.

In terms of promoting civil society in Jordan, for example, German political foundations have traditionally been active along with church-based and other non-governmental organisations. Although these are partly funded by the BMZ, the ministry is commissioning Germany's federally owned implementing organisation – the Gesellschaft für Internationale Zusammenarbeit (GIZ) – to take on more and more new projects in this area. In addition, the Federal Foreign Office has maintained its own stabilisation department for some years now with funding lines for civil society that are also being

rolled out in Jordan. Moreover, the European Union launched its own “Democratisation Project” in June 2023 with a volume of more than ten million euros for the next few years.

Such a dense juxtaposition and partial overlapping of actors and projects does not really serve German and European visibility and influence in the country, and the same phenomenon can be seen in other areas, too. Indeed, according to a recent survey, a large majority of Jordanians is in favour of strengthening relations with Germany. But Saudi Arabia and the United States have been mentioned as the most important partners. On the list of the countries that are perceived as most influential in Jordan – after the front-runners United States and Saudi Arabia – also Great Britain, China, the United Arab Emirates, Qatar and Turkey are ranked above Germany.¹⁵

The constant flow of funds from Europe and the United States – increasingly difficult to keep track of and often not subject to political conditions – also runs the risk of diminishing the responsibility of Jordanian policymakers. For example,



rather than improving framework conditions for civil society engagement by strengthening civil liberties, there seems to be a preference for organising one series of workshops after another. While countless internationally funded civic education training courses and dialogue measures are provided for young people in Jordan and are worthwhile in themselves, there must be an actual social space for practical application if these are to translate into genuine structural change.

Remarkably, King Abdullah II and the Jordanian government have committed to engaging in a genuine reform debate and are promoting greater political involvement, especially among young people. In May 2022, a new law on elections and political parties came into force with a view to strengthening political parties and promoting a politically more active parliament. Yet the authorities still exercise tight control. Some human rights organisations even complain of increasing obstacles to a critical civil society.¹⁶ One curious incident occurred in the summer of 2022 during the German Week on the campus of the GJU: intelligence officers confiscated publications by a German political foundation that was running a stand there – even though the books (on Islamism and Israeli-Jordanian relations) had been published several years previously and had been registered with the National Library of Jordan. It is thus not surprising that many young Jordanians remain sceptical, despite appeals from the highest levels of government for more political involvement and an amendment to the legal framework that now allows political parties to be active at universities: according to a survey, 60 per cent of students assume they would be questioned by security authorities if they were to attend an on-campus event organised by a political party.¹⁷

From Crisis Mode to a Political Strategy

In the wake of the disintegration of the regional order and the numerous internal conflicts in the Middle East, German foreign and development policy has identified Jordan as a key state. With a high level of funding and a focus on key

areas such as refugees, education/employment and water, it has made a contribution towards stabilising the country. Yet more than a decade after the “Arab Spring”, it is high time for German development cooperation to find a way out of crisis management mode and permanent financing of the status quo. For that, the following three points could provide some orientation:

1. Less is More

In times of tight public budgets and in view of the challenges facing German foreign policy elsewhere, such as in Ukraine, the extraordinarily high level of financial support for Jordan of the past decade will not be sustainable in the long run. German development cooperation should see this as an opportunity to take a critical look at its activities in Jordan and align its support more closely with the Jordanians’ own commitment. Germany should only get involved if and where a serious and honest effort is discernible on the part of the Jordanian government to sustainably improve structures for the benefit of the population. If German taxpayers’ money were to end up compensating for governance deficits and the unwillingness of power elites to reform, well-intentioned support would risk becoming an obstacle to substantial development.

Germany can no longer be just a big donor, but has to find its new role as a political partner.

2. Complementarity instead of Duplication

The traditionally rather decentralised approach of German foreign and development policy still has its advantages. While the GIZ has experts embedded in the ministries of the host country and maintains a close working relationship with the authorities, for example, the independent political foundations cultivate close and differentiated contacts at the deeper layers of Jordanian society. In a relatively small country like

Jordan in particular, where there is a high density of development projects, however, the specific fields of action must be clearly defined and the organisations concerned have to make use of their respective core competencies – especially where various federal ministries are involved in project funding. This can only succeed if development cooperation is embedded in an overall foreign policy strategy. Here, aspects of trade and security policy must always be taken into account as well.

3. Political Vision

It goes without saying that the various actors in German development cooperation can only act in concert if the direction is clearly defined. Merely financing the status quo buys time – but to what end, and for how long? In 2021 and 2022, the Jordanian government launched a major modernisation offensive on the personal initiative of King Abdullah II, with political, administrative and economic reforms designed to make the country fit for the future. This also provides an opportunity for the country's partners – including Germany – to take the Jordanian side at its word and refocus their support.

There are certainly points of reference and positive approaches here: Jordan is seeking to become a hub for regional energy cooperation while increasing its own production capacity in the area of renewable energy, for example. Germany has been supporting this since 2019 through the German-Jordanian Energy Partnership managed by the Federal Ministry for Economic Affairs and Climate Action (and implemented by the GIZ). A bi-national degree programme in hydrogen technology is currently being developed at the GJU. In 2018, the KfW built a state-of-the-art photovoltaic system comprising 30,000 solar modules for the Zaatari refugee camp, which could also be used to supply the surrounding Jordanian communities in future. If such successful policy elements could be better interconnected, leverage of German aid might increase even more.

In other areas, there is an evident lack of an overarching strategy for the country and a failure to

make German cooperation with Jordan dependent on political conditions. If Germany is serious about supporting democratisation processes and promoting civil society, for example, the Federal Government should articulate more clearly to Jordanian authorities that there are deficits in civil liberties such as freedom of expression and assembly. And in spite of all the German support in the water sector, a quarter of the water is still lost due to technical problems with the pipes: only a little more than half of the water produced ultimately reaches the end customer due to mismanagement and theft.¹⁸ At the same time, the Jordanian government has long maintained its high water subsidies and shied away from addressing the issue of water waste in the agricultural and construction sectors, as well as in the wealthier private households. Only recently, a new tariff reform was announced to tackle the problem.

Engaging in serious and honest dialogue with the Jordanians and attaching more conditions to German support does not need to place a burden on German-Jordanian relations – on the contrary. Recognising Jordan as an equal partner also means highlighting the country's own responsibility while at the same time openly seeking to establish common interests and promising fields of cooperation. The Middle East is changing, as regional actors increasingly strive to shape their own destiny. For Jordan, this means working its way out of the cycle of international dependence, at least in the long term – even at the price of laborious domestic reforms. And Germany needs a foreign and development policy debate about what it can and wants to achieve in the region. In any case, a mere “business as usual” approach fails to do justice to the new geopolitical dynamics. Germany can no longer be just a big donor: it must find its way into a new role as a political partner.

– translated from German –

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Aspiration and Reality. On German Development Cooperation

A Just Transition?

Transforming Energy Systems in Africa

Anja Berretta

German development cooperation with African countries largely centres around the concept of a just (energy) transition towards low-carbon development of industry and infrastructure, as is prominently highlighted in the new Africa Strategy published by the Lead Federal Ministry. Even though creating jobs and boosting economic growth must be a key element of cooperation with Africa while at the same time taking into account environmental protection and biodiversity, it is questionable whether Germany's approach of a "just transition" adequately does justice to African countries' development priorities.

Due to its low adaptive capacity and lack of resilience, Sub-Saharan Africa is one of the world's regions most affected by climate change. Even now, the effects of climate change are already having devastating consequences on the continent: the scarcity of water and grazing land is increasingly leading to violent conflicts and migration movements, for example, while extreme weather events are threatening the livelihoods of millions of people working in the agricultural sector.

In order to mitigate the effects of climate change, the parties to the Paris Agreement committed to limiting the global temperature increase to below two degrees Celsius, and if possible to 1.5 degrees Celsius, compared to the pre-industrial era. For this to succeed, a transformation is required towards a low-carbon global economy that is as climate-neutral as possible. African countries face the challenge of driving this decarbonisation while at the same time creating millions of jobs for their growing populations and building a modern, climate-resilient energy and transport infrastructure.

What Exactly Is a Just Transition?

How can this urgently needed growth and the expansion and renewal of infrastructure be achieved in the most environmentally friendly way possible and taking account of the continent's

biodiversity? For some years now, the concept of a "just transition" has been used in the field of development cooperation to describe this process. The term can be traced back to the trade unions, where it referred to the prevention of negative effects of transformation processes on workers. However, this did not necessarily establish a link to nature conservation. The ecological dimension of a just transition is attributed to Canadian trade unionist Brian Kohler, who, in the late 1990s, stated: "The real choice is not jobs or environment. It is both or neither."¹ Since then, environmental sustainability has been closely associated with the concept of a just transition, and over the course of the years the term has found its way into international climate negotiations, too.² The preamble to the Paris Agreement also refers to the need for a just transition.

The German Federal Ministry for Economic Cooperation and Development (BMZ) has made the achievement of a just transition a focus of cooperation in its Africa Strategy – "Shaping the Future with Africa" – adopted in January 2023.³ The table of contents of this document already refers to the just transition, which the ministry defines as the "social and environmental transformation of the economy, conservation of vital natural resources, energy and infrastructure."⁴ In order to achieve this, the Ministry plans to expand climate and development partnerships,

work with partners for the climate-friendly and socially just development of cities and energy systems and the responsible use of resources, promote sustainable supply chains, interlink ecosystems and economic development, expand mechanisms to protect against climate risks and strengthen climate resilience.⁵

African countries are responsible for less than three per cent of global greenhouse gas emissions.

Since the creation of sustainable economic systems is essentially based on the restructuring of the global energy supply along with the reduction of CO₂ emissions that this involves, the BMZ uses the concept of a just transition in a broader sense to mean a “just energy transition”. This highlights the importance of the shift from fossil fuels to low-carbon or renewable energies, while at the same time presenting the transition to a low-emission economy as an integral part of a societal transformation process. Consequently, Just Energy Transition Partnerships (JETPs) are mentioned as another instrument of cooperation between Germany and African countries.

However, it is questionable whether stakeholders in Africa have the same understanding of a just transition as the one presented by the BMZ in its strategy or indeed in the context of development cooperation in general. While the discussion of a just transition towards a low-carbon way of life in industrialised countries combines the three elements of social justice, environmental sustainability and economic viability, discussions on a just energy transition in African countries

often involve the question of global justice. African nations account for less than three per cent of global greenhouse gas emissions:⁶ calling for emissions to be reduced in industrialised countries first, African countries demand that they receive financial compensation for the climate damage that has already occurred. As many Africans see it, an (energy) transition is only just if it



Resentment over power cuts: The issue of energy security is of major importance in many African countries. Around 65 per cent of the population in Sub-Saharan Africa has no access to electricity. Photo: © Jerome Delay, AP, picture alliance.

adheres to the idea referred to in climate negotiations as the “polluter pays” principle. A just energy transition can also be interpreted to mean that historical emissions impact on future emission pathways:⁷ in other words, African countries have a budget of emissions available to them for their development that industrialised countries have already used up.

What is more, the concept of a just transition – whether in reference to energy systems or economic transformation – implies that there are already systems in place that need to be changed. Yet in countries where more than half of the population has no access to electricity at all, or where most of the population works in the informal sector, people cannot apply the



concept of an energy transition or see efforts to decarbonise the economy as a transformation process that is connected to the reality of their lives.

An energy transition along Western lines is not feasible in Sub-Saharan Africa.

An African Understanding of a Just Energy Transition

Discussions of the energy transition in the African context thus do not primarily revolve around the potential to produce energy from renewable sources. For a long time, the focus was on access to energy and therefore on energy security itself. Increasingly, the term “just transition” is also being used in connection with the debate on which energy systems are capable of addressing energy poverty in an equitable manner.⁸ Some researchers argue that although most African countries have initiated comprehensive renewable energy strategies, research into the possibilities of a transition to renewable energy sources remains Eurocentric.⁹ There is no question that the implementation of the energy transition is commendable, especially with regard to UN Sustainable Development Goal (SDG) 7, which calls for sustainable, reliable and affordable access to energy for all. Yet in democracies that are weak or deficient, as is the case in many African countries,¹⁰ it is more important than in liberal democracies to ensure that the costs and benefits of the energy transition are distributed fairly and that the population is involved in political decision-making processes.

At the same time, there should be a fundamental understanding that the expansion of renewable energies is essentially dependent on the political will of national decision-makers. For this reason, a just energy transition in Sub-Saharan Africa as a development cooperation mandate must inevitably include issues of good governance and political participation; otherwise, there is a risk

that the energy transition will be perceived as a transformation that exacerbates existing injustices. At the same time, it must be taken into account that an energy transition along Western lines is not feasible due to the societal, social and economic situation in these countries.

Just Growth versus Just Transition

According to Linus Mofor, Senior Environmental Advisor at the UN Economic Commission for Africa, the priority of the Global North should be decarbonisation of the economy, while the priority of the Global South is industrialisation, whereby the opportunities of low-carbon growth should be taken into account.¹¹ His statement demonstrates that African countries understand and indeed demand that their right to development should also be a right to economic growth and material prosperity.

The African Charter on Human and Peoples' Rights does not enshrine the right to a pristine natural environment but to an environment conducive to development in general.¹² This interpretation endorses development projects that allow for a certain level of degradation of the environment and biodiversity as long as the impact is as low as possible and human well-being is not significantly affected.¹³ By referring to an environment conducive to development in general, the Charter recognises that development cannot take place without adequate environmental protection.

Although many African countries have fossil resources that are key to their development, the World Bank has discontinued funding that is dedicated to the development of fossil energy projects. At the UN Climate Change Conference in Glasgow (COP26), 39 countries and development organisations pledged to end direct international public funding for fossil fuel projects. Citing the global energy transition, the need of African countries for energy security was not taken seriously for a long time, with industrialised countries keen to present themselves as pioneers of green energy technologies. However, since the global energy crisis at the beginning of

2022, many industrialised nations and emerging economies have expanded the use of fossil fuels for their national supply, which certainly undermines their credibility with regard to the goal of development cooperation to support African countries in a social and environmental transformation of the economy.

Energy security is the basis for economic and social development.

The European energy supply gap caused by the Russian invasion of Ukraine has given rise to numerous new energy agreements being concluded between European and African countries. Germany has expressed its interest in buying offshore gas from Senegal. Italy has signed gas contracts with Algeria, Angola, Egypt and the Republic of the Congo to reduce its dependence on Russia. Italy, France, Portugal, Spain and the Netherlands are negotiating gas deals with Nigeria, while investments in Mozambique that were previously put on hold may now be reactivated. Generally speaking, investments in Africa are to be welcomed. It is also understandable and legitimate that Europe should try to close its energy gap by forging new partnerships on the African continent. However, it appears hypocritical that up to the beginning of 2022, African countries were expected not to utilise their own fossil resources, and no more funds were made available to develop these resources for national use. It almost seems as if differing yardsticks apply to ensuring energy security in Europe and in Africa – a far cry from the principle of treating partners on an equal footing and the BMZ’s aspiration to shape the future in collaboration with Africa.

More than 70 per cent of the population in Sub-Saharan Africa has no access to electricity,¹⁴ and most of these people live in rural areas. The various countries differ greatly in terms of their basic situation. In South Africa, for example, around 90 per cent of the population has access

to electricity, 95 per cent of which comes from non-renewable sources. In Rwanda, some 47 per cent of the population has access to electricity, with 63 per cent of this coming from renewable energy sources. In Kenya, more than 70 per cent of the population has access to electricity, and the share of renewable energies here is around 90 per cent. In Chad, only 11 per cent of the population has access to electricity and, as in South Africa, the share of renewable energy sources in electricity production is around just 5 per cent.¹⁵

Yet energy security is a prerequisite for increased productivity in agriculture, industry and other sectors, so it is ultimately the basis for economic and social development. For Africa, this means that equitable growth must include all forms of energy production provided that they can overcome energy poverty on the continent. In a communiqué entitled “Ensuring a Just and Equitable Energy Transition in Africa” – also known as “Kigali Communiqué”¹⁶ –, ten African countries advocate the use of gas as a necessary bridging technology for economic development. Similarly, the African Union and other institutions published a joint position on energy access and a just transition¹⁷ last year, which likewise affirms the right of nations to make use of their own fossil resources.

While it is often cited that the African continent is rich in renewable energy sources, people tend to omit the fact that the use of these energies requires technology that is frequently not available. By contrast, the infrastructure required for countries to be able to use their own fossil resources is available and can be used. Development cooperation should take this fundamental reality into account pragmatically, too.

Taking Greater Account of the Context in African Countries

The notion of a just transition has a different significance in industrialised countries than in Sub-Saharan Africa. In view of climate change, discussions about justice are often conducted in African countries with the “polluter pays”

principle in mind. Yet justice for these countries also means using their own fossil resources to boost development. For this reason, the concept of a just transition that focuses mainly on environmental and social change is one for which most African countries have little sympathy and that they even perceive as paternalistic.

One example of this is the BMZ's alliance with South Africa under the Just Energy Transition Partnership (JETP). This "tailor-made"¹⁸ form of cooperation aims to bring about a broad-based social and environmental transformation of the economy and of people's day-to-day lives.¹⁹ In addition to achieving a reduction in greenhouse gases, it is designed to create employment opportunities for women and young people. However, the JETP is often perceived locally as an instrument that forces South Africa to abandon the supposedly lucrative coal industry in the interests of climate protection.²⁰ Mining trade unions argue that the transition is being imposed on them by the West, that social and economic aspects are being neglected, and that nothing about the process is just.²¹

Senegal is forecast to see high levels of economic growth over the next five years, largely due to new oil and gas projects.

The Mozambican government has initially ruled out phasing out coal mining, justifying its stance based on the fact that as an export item, coal makes a key contribution to the balance of payments as well as being a source of foreign currency. It also argues that any energy transition should be based on the actual situation on the ground.²²

For Ghana's President Akufo-Addo, too, a just transition must focus on the "polluter pays" principle. He advocates a fair solution that creates a level playing field and recognises the historical inequalities between large and small emitters.²³ While decarbonisation is supported

by Ghana in principle, it ties up funds there that are needed for other urgent projects such as securing a stable electricity supply and modernising the transport infrastructure. One of the greatest challenges facing Ghana is having to respond to the expectations of its own public and population while at the same time achieving low-emission growth so as to meet national and international climate targets.²⁴

Forecasts see high levels of economic growth for Senegal over the next five years, largely due to new oil and gas projects: these will provide new employment opportunities, improved energy security and – as a result – good economic prospects.²⁵ The country also recently concluded a JETP with various partners, including Germany. Under this agreement, Senegal has committed to producing 40 per cent of its electricity supply from renewable energy sources and will receive financial support in return. In seeking to bring about a just transition, therefore, the country's primary development goal – namely access to electricity – has not been subordinated to a climate target. Civil society actors also praised the fact that they were consulted during the negotiations, with the result that the agreement enjoyed broad social acceptance.²⁶

The example of the Senegalese JETP shows that it is indeed possible to reconcile climate and development goals. However, if the concept of a just transition is perceived merely as an imposed requirement for achieving climate targets that does not adequately take into account efforts by African countries to achieve their own self-defined development goals – as in the case of South Africa – there is a danger in the medium to long term that efforts to reduce CO₂ emissions globally by means of targeted measures will be perceived as an obstacle to their own development. What is more, most developing countries and emerging economies are unable to benefit economically from the energy transition due to the lack of availability of the relevant technologies. This could potentially contribute to a negative perception of the global energy transition and to an impression of being left behind yet again.²⁷

When it comes to issues of justice, any debate on a social and economic transformation must also include the issue of the accountability of African partners. While many African countries already pursue policies aimed at achieving a just energy transition, these transitions run the risk of perpetuating inequalities if democratic deficits are not addressed. Far too often, effective and efficient renewable energy expansion and climate financing are hampered by poor governance and corruption. This is why good governance and civil society participation are integral elements of a just transition – though these are unfortunately missing in the BMZ’s strategy for a just energy transition.

Options for Implementing a Globally Just Energy Transition

Implementing a global energy transition along the lines of the industrialised countries is not in line with the African understanding of a just transition. In addition, African partners perceive contradictions between the EU’s short-term climate and energy policies and the medium-term to long-term goals it is pursuing. There are good reasons for such policies, but these must be discussed as part of a dialogue; otherwise, there is a risk of losing credibility. This also includes engaging in open and honest discussion of the measures required to reduce CO₂ globally, such as introducing carbon taxes or other forms of pricing for carbon products that are traded internationally. Otherwise the African side could gain the impression that it is being disadvantaged.

Subsidies for climate-friendly technologies and fiscal incentives to make use of green technologies have the potential to change patterns of behaviour in industrialised countries. However, the fiscal leeway for such measures is limited in African countries. The aftermath of the COVID-19 pandemic is still being felt: many countries are struggling with high inflation and debt ratios as well as the devaluation of national currencies, and this has caused numerous economies on the continent to contract for the first time in decades. If a globally just energy

transition is to be achieved, it is vital to counter any impression that efforts towards global decarbonisation might be an obstacle to development or could restrict the competitiveness of developing and emerging countries. New and innovative climate finance mechanisms have the potential to send out a powerful signal in this regard.

In order to mitigate the increase in global CO₂ emissions, green technologies must be made available to African countries.

Partnership-based relations between Europe and Africa should take the continent’s development and industrialisation needs more seriously. This means supporting the infrastructure projects set out in “Agenda 2063: The Africa We Want”. Issued by the African Union, Agenda 2063 is considered to be a strategic guideline for the continent’s development. Germany can help ensure that these infrastructure projects are implemented in a way that is as environmentally sustainable as possible with minimum emissions. This would also create an alternative to China’s Belt and Road Initiative, which has driven many countries into high debt. Improving and building climate-resilient transport and energy infrastructure on the African continent is in Europe’s interest too, since this would facilitate trade with Africa and make it more attractive.²⁸ Inadequate transport routes and outdated water and energy infrastructure are a hindrance to market development, especially in the interior of the continent. A study by the Infrastructure Consortium for Africa (ICA) concludes that poor transport infrastructure makes the intra-African movement of goods 30 to 40 per cent more expensive.²⁹ Likewise, the World Bank estimates the loss of productivity due to poor infrastructure at up to 40 per cent.³⁰

Fossil fuel reserves offer potential for development and industrialisation on the African continent, but this runs counter to the global need

for decarbonisation: this is an issue that cannot be resolved by pragmatic discussion, but it can at least be addressed. It is important here to include aspects of distributive global justice regarding the causes of climate change. In order to mitigate the increase in global CO₂ emissions, green technologies must be made available to African countries, and there must be more knowledge transfer in the field of climate action and environmental protection. This demand is not new and is to be found in the BMZ's Africa Strategy, too. Collaboration of this nature should not be viewed in terms of development cooperation, but from a strategic perspective and with a view to future economic cooperation, in particular in the field of critical minerals and metals and sustainable energy production.

Nonetheless, claiming the right to economic development and the associated use of a country's own fossil resources is no excuse for countries to disregard the commitments made under the Paris Agreement to limit global warming. In negotiation processes under the UN Framework Convention on Climate Change, African countries that advocate the use of gas and oil as a bridging technology should present long-term strategies for low-emission development and set medium-term CO₂ reduction targets.

Whether large export markets will be created for future-oriented technologies such as hydrogen and green ammonia in the future cannot be predicted with certainty today. Although some countries have concluded significant investment agreements on production, there is no industrial production capacity in Africa as yet. It thus remains to be seen whether these products can be offered competitively on the world market, which will also depend on how decarbonisation progresses globally.³¹ When opening up new markets, the focus should be much more on regional trade and the development of regional production capacity. The African Continental Free Trade Area (AfCFTA) Agreement provides the framework for this and its implementation should be a priority for African countries. The creation of the African Single Electricity Market agreed in the AfCFTA is highly attractive for

private investment in much-needed sustainable energy infrastructure, since it would create markets with large purchase guarantees.

The processing of critical minerals and metals in Africa itself could be favourable for industrialisation on the continent.

Increased Cooperation between Africa and Germany in the Field of Critical Minerals and Metals

One major opportunity for a just and sustainable transformation of the economy and industry lies in the area of the critical minerals and metals needed for the energy transition. As a result of the Russian war of aggression against Ukraine and the tensions between the United States and China, the geopolitical situation has changed to the extent that the issue of supplying the raw materials needed for the energy transition and ensuring the relevant supply chains has taken on a new significance that goes far beyond climate policy.

Critical minerals and metals are often regionally concentrated: more than 70 per cent of the cobalt ore processed worldwide comes from the Democratic Republic of Congo, while China has more than 50 per cent of all rare earths in the world. By way of comparison, the three largest oil producers, the United States, Saudi Arabia and Russia, are each responsible for less than 10 per cent of global oil production.³² In addition, processing of the minerals and metals needed for the energy transition such as nickel, cobalt and bauxite is likewise heavily concentrated in China, while Beijing is frequently involved in mines in other countries through direct investment, too.

A visit by Congolese President Félix Tshisekedi to China in May 2023 showed that this is increasingly causing unease in Africa as well. President

Tshisekedi was seeking to renegotiate mining contracts and obtain better terms for his country, arguing that China's revenues from copper and cobalt mining in the Central African country were disproportionate to the marginal compensation paid.³³ A new agreement is to be negotiated by the end of the year and it remains to be seen whether Tshisekedi can deliver on his claim to be able to achieve a better balance with China.³⁴

One of the measures taken by the EU to diversify the supply of critical raw materials and hence reduce dependence on Chinese supply chains for critical minerals and metals was to

adopt the Critical Raw Materials Act in March 2023. The aim of the Act is to maintain the EU's competitiveness in the area of green energy technologies. In order to achieve this, measures are presented to ensure the supply to European industry of a total of 34 minerals and metals that are considered critical. Many of these are found on the African continent. As a result, increasing importance is attached to the issue in Africa as well. However, this is not out of a desire to drive decarbonisation and remain competitive in the field of green technologies.³⁵ Rather, African states now recognise the potential for their own industrialisation and a new form of strategic cooperation.



Sought-after materials: Internal Market Commissioner Thierry Breton provides information on the EU's Critical Raw Materials Act, which aims to reduce dependence on Chinese supply chains for critical minerals and metals. Many of these raw materials are found on the African continent. Photo: © Virginia Mayo, AP, picture alliance.

In the extraction of fossil fuels and other raw materials, Africa's role in the value chain has in the past been limited to the export of unprocessed raw materials, which has made African countries vulnerable to global price fluctuations while at the same time generating limited revenue and few jobs. The processing of critical minerals and metals such as lithium, cobalt and bauxite in Africa itself could be favourable for industrialisation on the continent by creating the necessary production capacity, which in turn would result in economic growth and job creation along the entire processing value chain.

Under commodity partnerships linked to investment agreements, for example, African states could call for investments to create the relevant capacity. In this way, the increased demand for green commodities puts them in a strong negotiating position. This would also have the effect of transforming what was previously development cooperation into economic cooperation on an equal footing. One example of this is an agreement recently concluded between the Democratic Republic of Congo, Zambia and the United States to establish a battery factory for electric cars in a newly created free trade zone.

By contrast, Zimbabwe introduced more rigorous restrictions on the export of unprocessed lithium earlier this year.³⁶ However, experience has shown that export restrictions in African countries have not resulted in the desired creation of local production capacity.³⁷ Longer-term investments in production capacity and the resulting technology transfer are preferable to government export restrictions, but this also requires the creation of a favourable investment environment in the African countries.

Legislation must be ready for the increased demand for minerals and metals such that international agreements guarantee a just transition for the population at large – which includes not only investment agreements, but also transparency, social and political participation, and the reinvestment of profits and returns in the countries themselves. The adoption and application of specific ESG (environmental, social and good

governance) standards in the extractive industries is also indispensable to ensure that the development called for in the African Charter on Human and People's Rights is environmentally and socially sustainable. Under these conditions, a strategic partnership could potentially guarantee the security of critical minerals and therefore the competitiveness of Germany and Europe, while at the same time driving a just transition for African countries as they themselves understand it.

– translated from German –

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Aspiration and Reality. On German Development Cooperation

Rule of Law Cooperation in Practice

Case Studies from the Western Balkans

Pavel Usvatov / Julia Leitz

The rule of law is elementary for a functioning democracy. This is why its promotion is a key component of German development cooperation. But how do projects in the legal field actually work? What are the challenges involved? And what can be said about the effectiveness of rule of law work? Here we look at some case studies from the Western Balkans.

Development Cooperation in the Legal Field

Building wells, renovating schools, securing food supplies – these are the kind of things people most commonly associate with the now outdated term “development aid”. In fact, what is now called “development cooperation”¹ is much more multifaceted and goes beyond technical cooperation. One quantitatively rather small but nonetheless very important area is promotion of the rule of law. Germany has been engaged in this kind of development cooperation for decades,² with funding amounting to 1.44 billion euros³ out of a total of 206 billion euros⁴ in development funds between 2007 and 2021.

The German Rule of Law Promotion

Rule of law promotion has gained considerable importance over the past three decades and is now not only carried out in conjunction with other development projects, but often in parallel or entirely independently of them, with its own goals and funding.

German Development: From Recipient to Donor

While conventional German development aid began in the early 1960s,⁵ promotion of the rule of law did not become established as a relevant and increasingly independent field until the 1990s. Previously, especially in the post-war years, the Federal Republic was itself in some respects the recipient of development aid in the area of the rule of law: the Western Allies were involved early on in the drafting of the Basic Law, and the establishment of Germany’s constitutional structures in the administration also took

place under their influence. It is precisely the fact that Germany overcame the National Socialists’ “Unrechtsstaat” (unjust, lawless state) that made the country a credible player in the field of rule of law work: the example of the Federal Republic of Germany showed that it was possible to develop a functioning system that is committed to the principles of the rule of law and that works in everyday life. This was confirmed once again in the 1990s with the successful legal integration of the German Democratic Republic (GDR).⁶

Definition and Objective of Rule of Law Promotion

There is no generally applicable definition of the term “rule of law”, which is why there is no general definition of “rule of law promotion” either.⁷ For this reason, the Federal Government defined the area of German rule of law promotion for itself in the “Strategy of the Federal Government for Promoting the Rule of Law”, which was adopted (for the first time⁸) in 2019 as an underlying guideline for its work in this field. This definition is a synthesis of the concept of “rule of law” as defined by the United Nations and the “specific understanding of the concept of the rule of law” shaped by the German legal and constitutional traditions.⁹ This understanding “limits and commits state authority to safeguarding individual freedoms and material justice, in particular by recognising fundamental rights, ensuring the administration is subject to the law and effectively protecting individual rights by maintaining the independence of the courts.”¹⁰

The goals of rule of law promotion are manifold and the Federal Government considers rule of law promotion a “central instrument [...] in the



From recipient to donor: The Federal Republic of Germany, with the help of the Western Allies, succeeded in (re)building a functioning judicial system based on the rule of law after World War II. Since the 1990s, it has itself been intensively engaged in rule-of-law cooperation with other states. The picture shows the Federal Constitutional Court in Karlsruhe. [Photo: © Uli Deck, dpa, picture alliance.](#)

field of crisis prevention, conflict management and peacebuilding”.¹¹ In addition to the “establishment and promotion of the rule of law in the narrower sense”, the political objectives include the “fight against corruption”, “human rights” and “international humanitarian law” as well as the “promotion of democracy”. Operational objectives include “building and improving structures and procedures of state institutions”, “supporting legal reforms” and “strengthening the independence of the judiciary”.¹²

In addition to promoting the ideals and values of the rule of law itself, work on the rule of law also has to do with other interests, of course. By promoting the rule of law structures, the aim is to create a framework for a better functioning economy

with a view to enabling German companies to invest more easily and with greater security. Economic development can in turn contribute to poverty reduction. A further objective is to improve security in many areas of life through a functioning judiciary and administration. In this way, promotion of the rule of law can serve to reduce the causes of displacement and migration, and it can help advance climate and environmental policy.¹³

Forms of Rule of Law Promotion

In practice, rule of law work takes many different forms. German rule of law promotion can be roughly divided into three areas, which differ both in terms of the (aforementioned) goals and of methods and resources.¹⁴

At the macro level, Germany tries to use diplomacy to persuade other countries to introduce, observe and implement rule of law standards locally. This is usually done through persuasion, granting economic or other benefits, or through political support. These efforts ideally culminate in the conclusion of international treaties. The Federal Foreign Office is the lead agency in this area. The exact obligations and their scope are negotiated between the contracting parties and are binding on both sides. Germany's participation in international organisations and treaties under international law is on the same level: it mainly consists of financing certain projects initiated by institutions such as the UN. By promoting the rule of law in this way, Germany is fulfilling its obligations under international treaties.

The political foundations are independent actors that carry out projects to promote the rule of law.

Measures at the micro level include what was formerly known as “technical cooperation”, which is now much more multifaceted than it was at the beginning of rule of law promotion. The majority of projects in the field of *technical* legal development cooperation, both financially and quantitatively, are carried out by the Gesellschaft für Internationale Zusammenarbeit (GIZ) on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ). GIZ's main focus here is on creating and strengthening the technical conditions for the rule of law in partner countries. This includes providing resources for judicial institutions, further training of staff and advising on legislative projects and their implementation. In recent years, GIZ projects have increasingly moved beyond the technical field, which is not without controversy due to the differing tasks of BMZ, the Federal Foreign Office and the Federal Ministry of Justice (BMJ).¹⁵

BMJ is actively involved on a quantitatively much smaller scale than BMZ, but makes a crucial

contribution. In addition to bilateral cooperation with justice ministries of other states (including the rule of law dialogue pursued by the Federal Government with China and Vietnam), BMJ operates through the German Foundation for International Legal Cooperation (IRZ), which was established specifically for this purpose in 1992.

Secondly, there is the area of non-technical cooperation. This includes the political foundations, which carry out projects as independent actors to promote the rule of law in the countries in which they operate. The focus here is on the level of legal policy (e.g. dialogue between German and foreign political representatives) and the level of civil society. Unlike GIZ or IRZ, the political foundations are not implementing organisations. They organise their work independently and autonomously within the framework of the objectives agreed on with the funding agencies (BMZ and the Federal Foreign Office).¹⁶

The non-technical area also includes academic cooperation and exchanges, for example through the German Academic Exchange Service (DAAD), as well as through several smaller institutions and research facilities that operate particularly on a regional or country-specific basis and that work in selective fields. Of the non-governmental organisations, one of the many is the German Federal Bar (BRAK), which cooperates with bar associations abroad. An example of a research institution organised under private law is the Institute for East European Law (IOR) in Regensburg with its cooperation partners in Eastern Europe.

Effectiveness of Rule of Law Work in the Western Balkans

As a result of increasing European integration in recent decades, promotion of the rule of law by EU states at national level has been significantly reduced. Since the turn of the millennium, most member state projects in Europe have gradually been integrated into or coordinated with EU development work.¹⁷ The largest donor in the Western Balkans region (Albania, Bosnia

and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia) is the EU, which provides financial assistance mainly through the Instrument for Pre-Accession Assistance.¹⁸ In the period from 2014 to 2020, EU allocations to the Western Balkans in the rule of law area amounted to 700 million euros – some 16 per cent of the total bilateral EU aid.¹⁹ In 2021, for example, Germany allocated 7.86 million euros to the area of law and justice and 2.1 million euros to the area of human rights in the Western Balkans.²⁰

The success of rule of law promotion is sometimes difficult to measure.

Rule of law promotion is a complex field in which success is sometimes difficult to measure. One of the reasons for this is that the impact of reforms or projects on a broader (societal) level does not become apparent until after a sometimes considerable delay. Furthermore, it is often difficult to establish causality between a particular measure and the success achieved. While the result at the output level (measurable activity or achievement) is immediately visible, for example if a legal database is set up, a publication is issued or a training programme is implemented, the concrete impact of such measures is difficult to determine. It may be possible to measure the outcome (the effect on the target group) of a measure, but its impact can often only be estimated.

The effectiveness of rule of law work over extended periods of time can be assessed, however. In January 2022, the European Court of Auditors published a special report on the effectiveness of EU support in the rule of law area in the Western Balkans. A total of 20 projects carried out in the period from 2014 to 2020 were analysed, focusing on the legal and judicial system, anti-corruption and human rights.²¹ In summary, the European Court of Auditors concluded that although the measures supported and implemented by the EU had resulted in reforms in the

technical and operational areas, the measures had little overall impact in terms of fundamental improvements in the rule of law.²² In particular, it noted that too little had been done to develop limited administrative capacity or strengthen political will. According to the report, it is problematic that financing and implementation of projects were “not always” subject to the fulfilment of conditions (“conditionality”). Moreover, EU support for civil society was said to be not sufficiently geared to the latter’s needs and mainly limited to short-term projects.²³ The findings of the European Court of Auditors are particularly relevant to this paper because some projects were implemented by German organisations. Indirectly, therefore, its assessment is also an assessment of Germany’s promotion of the rule of law in the Western Balkans.

Two Examples of Rule of Law Promotion in the Western Balkans

For this article, two practical examples from Serbia and Albania have been selected because they are typical of (technical) rule of law promotion: they involve advisory work on the introduction of new legal institutions and the formulation of the relevant legal bases, capacity development and support in implementing reforms. The-matically, the focus is on reforms in the area of courts and public prosecution offices as well as fighting corruption – two areas that are at the centre of many rule of law projects. These two examples were specifically chosen because they are not simply success stories (of which there are many) but also offer an opportunity for critical reflection from which lessons can be learned. Both projects were implemented by German development organisations.

An Example from Serbia: Introduction of the Notary Public Office

In Serbia, the Instrument for Pre-accession Assistance first introduced in 2007 was used to prepare and implement judicial reforms. Various measures served to implement the action plan under Negotiation Chapter 23 to achieve the EU’s *acquis communautaire* and thus support

the establishment of an independent, accountable and efficient judiciary.²⁴ Under the Legal and Judicial Reform Programme with a funding volume of 7.1 million euros, two German development organisations were involved in these measures from January 2011 to May 2017.²⁵

The setting of notary fees became a political issue in Serbia.

Reforms of a public notary's office play a significant role in increasing the efficiency of the courts in Serbia, as in most states in Southeast Europe. Through their advisory activities, notaries make an important contribution to avoiding future legal disputes and therefore to relieving the courts.²⁶ In Serbia, a great need for such preventive legal administration and qualified advice was identified, especially in the area of property.²⁷ For this reason, the project focused on advising the Serbian partners on establishing a public notary's office. In addition to the two German development organisations, experts from the German Notaries' Association and the German Federal Chamber of Notaries were also involved.²⁸ Some preliminary work had already been carried out as part of a bilateral partnership from 2001 onwards.

In the course of the project, several practical difficulties arose that delayed implementation. For example, it was necessary to clarify the access of existing legal professions to the notary's office and the development of admission requirements. Furthermore, awareness of the role and tasks of the notary's office had to be created among professionals and the public at large. The discussion surrounding the setting of fees became a political issue.²⁹ Moreover, since a number of legal transactions were to fall under the exclusive jurisdiction of notaries, the legal profession feared a loss of revenue and standing.³⁰ There was considerable opposition to the law passed at the end of 2014. Having already gone on strike because of the changes in tax law that were disadvantageous

to them, lawyers now additionally demanded the deletion of the relevant provisions in the Notaries Act. They organised a blockade of the administration of justice for several months, resulting in more than 200,000 court dates having to be postponed. As a result of protests, the exclusive competence of notaries for land transactions and certain contracts was removed from the law again in early 2015.³¹ The benefits intended to be generated by establishing the notary's office were thus to some extent cancelled out.

There were various reasons for the lengthy duration of the project, some of which were beyond the control of the external actors. They include changing priorities of the Serbian governments between 2001 and 2014. While there was initially considerable willingness to implement reforms, motivation waned over the years and prime concerns changed, not least due to the Kosovo conflict (declaration of independence on 17 February 2008). From 2011 onwards and particularly following the parliamentary and presidential elections in 2012, the reform project was stepped up again.

Nonetheless, it is also evident that the expectations on the part of the advisors were not always realistic and that "in the context of legal transformation, some things can turn out very differently from what one would actually expect based on the objective circumstances".³² Many of the stumbling blocks can be traced back to misjudgment or failure to take certain circumstances into account. It was known that the reform entailed disadvantages for the legal profession, for example. So even without in-depth knowledge of the country, it could have been anticipated that there would be resistance from lawyers. Finally, a thorough analysis of the institutional, economic and social framework conditions (in particular various manifestations of corruption) should have led to the realisation that defining the admission criteria for the notary's office and setting the fees, for instance, would be a major challenge and would come up against opposition.

Nevertheless, it can be said that Serbia now has a functioning notarial service thanks to these



Promoting the rule of law in a practical way: The Palace of Justice in Belgrade (picture from 2017) was completely rebuilt with support from the European Investment Bank – also to increase the efficiency of the judicial authorities based there. Photo: © Robert B. Fishman, picture alliance.

reforms. This is an achievement despite the softening of the original regulations. Lessons that German rule of law promotion can learn for future projects from the experience gained in introducing this reform include the need for a fundamental needs assessment and in-depth analysis, not only with regard to the legal context but also in terms of the general situation within society.

An Example from Albania: Judicial Reforms

From September 2014 to March 2018³³ and from April 2018 to the end of December 2021,³⁴ the EU-funded projects EURALIUS IV and V were implemented in Albania to support and accompany the judicial reform there. Here, too, a German development organisation was commissioned to implement the projects. A core element was the drafting of the Law on the

Re-evaluation of Judges and Prosecutors (“Vetting Act”). Part of the aims was to strengthen the independence of the judiciary, increase its efficiency, improve access to justice and fight corruption.³⁵

In some Albanian courts, half of the positions are vacant.

In its reports, the European Commission states that Albania has made progress in implementing judicial reform in the area of vetting:³⁶ by September 2022, 554 first-instance review proceedings had been completed, with dismissals or resignations of judges and prosecutors in 64 per cent of the cases.³⁷ The vetting process led not only to numerous dismissals in the lower courts,

but also to the removal from office of judges in the Constitutional Court and the Supreme Court. Moreover, some judges resigned from office on their own initiative prior to the vetting process:³⁸ soon after the vetting process began, only one of the nine judgeships at the Constitutional Court and four out of 17 positions at the Supreme Court remained filled. As a result, no decisions were taken by either court for more than two years. In 2019, the Supreme Court alone had a backlog of more than 30,000 cases³⁹ – which continues to this day. The situation was dramatic in the lower courts, too, and remains so. At some courts, half of the positions are vacant because fewer judges and prosecutors can be trained and recruited than have left in the course of the vetting process.

In addition to a needs and situation analysis, a risk and legal impact assessment should also be undertaken.

One of the most serious consequences for those affected is the considerable delay in criminal proceedings: in Albania, pre-trial detention (i.e. provisional detention pending judgement) may be extended to up to three years. Added to this is the imposition of pre-trial detention even for minor offences and detention conditions that are in some cases significantly below minimum European standards. The long duration of proceedings is also a major problem in civil and administrative justice. A trial before Albania's most important court of appeal in Tirana takes three to four years, and before the Supreme Court at least seven years.⁴⁰ As a result, citizens' access to justice is significantly impaired. They cannot claim violation of their rights within a reasonable time frame, thereby resulting in an enormous loss of confidence: only 1 per cent of respondents "totally trust" the judiciary, 19 per cent "tend to trust", while 74 per cent trust the judiciary to a lesser degree or not at all. With regard to the duration of proceedings, costs of proceedings, enforcement of decisions and

transparency, between 0 and 1 per cent of the respondents say the judiciary is "excellent" or "very good", while 10 to 15 per cent say it is "good", depending on the category. Between 64 and 72 per cent rate performance in these areas as "poor" or "very poor".⁴¹

These side effects of the reform derive from several misjudgements in the planning of the project. On the one hand, the duration of the project was underestimated (instead of early 2022 as planned, the process is now not set to be completed until the end of 2024), as was the share of office-holders to be dismissed (originally about 30 per cent, now more than 64 per cent). Secondly, no effective arrangements were made to maintain a functioning judiciary. To date, there are not enough qualified personnel to fill many of the vacant positions at courts and in the public prosecutor's office. The reformed High Councils, which appoint (new) judges and prosecutors, did not start their work until the beginning of 2019, almost two years *after* the start of the vetting process. No sufficient procedural basis was created to avoid or at least mitigate a procedural backlog. There was no workable strategy to increase the number of suitable lawyers and their retention. Finally, non-judicial staff such as secretaries and expert advisors were not sufficiently involved in the planning. Pre-service and in-service training did not take place, nor were assignments redistributed.

One thing the vetting process did achieve was the dismissal of corrupt officials from the judiciary. Whether the complete dysfunctionality of the judiciary – which has occurred at various times and still persists to some extent – is an appropriate price to pay, is an issue that at least requires extensive discussion.⁴² The result has been a temporary or even permanent denial of justice ("justice delayed is justice denied") for thousands of people seeking justice since 2017. In any case, one of the lessons learned from this project is that, in addition to a needs and situation analysis (see Serbia case study), a thorough and critical risk and legal impact assessment should be undertaken and potential contingency plans ("plan B") must be incorporated.

Conclusion

The rules-based order and the democratic rule of law as a system are being challenged today more than at any time since the Cold War. Even some EU member states are seeing setbacks when it comes to the rule of law, and developments in the immediate neighbourhood and among the EU accession candidates are stagnating at an inadequate level. This makes rule of law promotion all the more important now in particular – and it needs to be all the more effective.

Even some EU member states are seeing setbacks in the rule of law.

For rule of law work to be successful and efficient, it must be strategically and conceptually well prepared. The approach of coordinating rule of law promotion in the EU accession countries at the EU level avoids duplication and enables synergies to be harnessed. The adoption of a strategy to this effect in Germany in 2019, which admittedly still needs to be filled with content, is also a step in the right direction.

There continue to be deficits at the planning and implementation level. In addition to ensuring the effectiveness of individual measures, the key challenges are their efficiency and sustainability, whereby these three categories are closely linked.

In development cooperation, the Logical-Frame-work method has become established, which – put very simply – contains four components, some of which have already been mentioned: input (resources used), output (product or service as a direct result of the activity), outcome (actual added value for the target group) and impact (sustainable benefit beyond the target group).⁴³ Despite the frequent criticism of the method, it does enable sound planning and implementation of effective measures when applied correctly. The examples described above provide

some indications for project planning. The most important of these can be subsumed under the heading of ex-ante and accompanying evaluation and adaptation.

Ex-ante evaluation: Even when formulating the objectives of a project, a critical and careful needs assessment and investigation of the social, economic and political framework conditions must be carried out (for example, will citizens be able to pay the higher notary fees, and will admission procedures to the notary's office be sabotaged by nepotism?). This requires the involvement of experts in these fields, especially local experts. Legal expertise alone is not enough here. The formulation of objectives must be based on the findings thus obtained even if they do *not* correspond to the ideas or wishes of the project's instigator (for example, it will not be possible to implement certain ideas put forward by the consultants against the resistance of the legal profession). The formulation of objectives must be followed by a feasibility analysis. The objective may need to be adapted to reality (for example, the notary's office is not established as a copy of the German model but in an adapted version). The results of the feasibility analysis must be fed into the assessment of whether and to what extent the envisioned objective can be achieved at all given the resources available (for example, the duration and therefore the financing of a project lasting three years is far too short). Finally, a risk and legal impact assessment must be carried out and taken into account when the objectives are identified and during the subsequent planning (for example, if some of the judges are dismissed, there will be a backlog of cases; if not enough judges are trained, the vacant posts cannot be filled and the judiciary may become dysfunctional).

Accompanying evaluation: The formulation of objectives is followed by implementation planning and implementation itself. For each element of the project, the steps that were taken in the formulation of the objectives should ideally be repeated "in miniature". Care must be taken to ensure that ownership by local partners and political support are in place (if that does not happen,

then, for example, an institution may become non-functional or be abolished altogether as soon as foreign experts or funds are withdrawn). In case of resistance or even if the partners are passive, project implementation is fraught with risks, and changes in the framework conditions can also lead to problems during implementation. Implementation must therefore be evaluated on an ongoing basis. Drawing on the findings of the evaluation, the implementation process, the plan and, if necessary, the objectives must be adapted (for example, significantly more judges than planned have to be dismissed, resulting in a court's inability to function and giving cause to adapt the plan or objective). However, this presupposes that the client (the funding agency) is also willing and able to accept necessary changes, to extend terms and to adapt objectives. Even the termination of a project must be possible as the last resort without negative consequences for the implementing organisation ("error culture").

In summary, rule of law promotion is effective if it is based on sound planning, takes account of local conditions and is of a duration⁴⁴ that makes it possible to achieve the objectives. Political foundations have a particular advantage here: they maintain a permanent local presence and have long-established contacts in civil society and politics. As a result, they have a very good knowledge of the political and social context in which rule of law cooperation takes place and can make a sound assessment of the requirements and likelihood of success. The Konrad-Adenauer-Stiftung, for example, focuses on promoting the rule of law and has established a global rule of law programme with sector programmes in Southeast Europe and in five other regions of the world.⁴⁵

– translated from German –

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- 1 For a definition of terms, see German Federal Ministry for Economic Cooperation and Development (BMZ): Von der Entwicklungshilfe zur Entwicklungszusammenarbeit (From development aid to development cooperation), in: <https://ogy.de/ez7s> [14 Sep 2023].
- 2 "Praxisbeispiele deutscher Rechtsstaatsförderung" (practical examples of German rule of law promotion) with further literature in: Kötter et al. 2022: Rechtsstaatsförderung: Handbuch für Forschung und Praxis, Stuttgart, pp. 47 ff.
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- 4 BMZ 2023: OECD statistics show that Germany continues to be a reliable partner for development cooperation, press release, 12 Apr 2023, in: <https://ogy.de/n25u> [14 Sep 2023].
- 5 The BMZ, which was established partly on Adenauer's initiative, was founded on 14 November 1961, followed by the German Development Service (Deutscher Entwicklungsdienst) in 1963. BMZ 2023: 60 Jahre BMZ – Rückblick und Ausblick. Die Geschichte des BMZ (60 years BMZ – Review and Outlook. The History of BMZ), in: <https://ogy.de/phds> [14 Sep 2023]. On the role of development aid: Walter Scheel's speech at the Evangelische Akademie Tutzing in July 1966, facsimile, in: <https://ogy.de/7j6g> (in German) [14 Sep 2023].
- 6 For a summary on the Federal Republic of Germany in the post-war years: Requate, Jörg 2022: Rechtsstaatsaufbau in der frühen Bundesrepublik, in: Kötter et al. 2022, n. 2, pp. 30 ff.; on the Democratic Republic of Germany: Hagenlocher, Ulrich/Röder, Tilmann J. 2022: *ibid.*, pp. 40 ff.
- 7 Kötter et al. 2022, n. 2, preface, p. VI.
- 8 However, promotion of the rule of law played an important role in the German government's guidelines on preventing crises, resolving conflicts and building peace published in January 2018. German Federal Government 2018: Preventing Crises, Resolving Conflicts, Building Peace, Jan 2018, pp. 92 ff., in: <https://ogy.de/8181> [14 Sep 2023]. Regrettably, in the new guidelines issued by the Federal Foreign Office in February 2023, rule of law is only mentioned twice in subordinate clauses. Otherwise, the emphasis is on the rather general concept of "human rights". German Federal Foreign Office 2023: Shaping Feminist Foreign Policy. Federal Foreign Office Guidelines, 28 Feb 2023, p. 76, in: <https://ogy.de/m0gx> [14 Sep 2023].
- 9 This is based on the UN Charter (1945), the Universal Declaration of Human Rights (1948) and the Secretary-General's 2004 report on "The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies" (S/2004/616): "[...] a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated,

- and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency". UN Security Council 2004: The rule of law and transitional justice in conflict and post-conflict societies, S/2004/616, 23 Aug 2004, in: <https://ogy.de/h92w> [14 Sep 2023]. In 2012, the member states agreed in a General Assembly resolution to be bound by the common basic understanding of the rule of law. UN 2012: Declaration of the High-Level Meeting of the General Assembly on the Rule of Law at the National and International Levels: resolution / adopted by the General Assembly, A/RES/67/1, 30 Nov 2012, in: <https://ogy.de/b114> [14 Sep 2023].
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 - 12 See for further goals: Federal Government 2019, n. 10.
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Total Peace in Colombia?

President Petro's Agenda between Aspiration and Reality

Stefan Reith

Since taking office in August 2022, Colombian President Gustavo Petro has pursued the vision of *paz total* – total or complete peace – and the reform agenda this involves as the linchpin of his government’s agenda. Negotiations with remaining guerrilla organisations and criminal groups create opportunities but involve major challenges, too.

Historical Context – The Long Road to Peace

Taking stock of the decades-long internal conflict in Colombia, the record is devastating: the state registry lists more than eight million conflict victims – some 16 per cent of the current Colombian population. According to research by the Truth Commission, more than 450,000 people were killed in the conflict between guerrilla organisations, paramilitaries, state security forces and drug gangs between 1985 and 2018. Over 7.5 million people were victims of displacement. The Truth Commission also counted nearly 70,000 missing persons and thousands of cases of forced recruitment of minors.¹

The history of the conflict is marked by military confrontations between the state and non-state armed groups, and there have been various attempts at negotiation. In the run-up to the 1991 Constituent Assembly, the guerrilla group M-19, to which current President Petro belonged, the indigenous guerrilla movement Quintin Lame and most of the Ejército Popular de Liberación (EPL) laid down their arms and joined the political process. After years of negotiations, the Colombian government and the Fuerzas Armadas Revolucionarias de Colombia (FARC), the largest remaining guerrilla organisation, concluded a peace agreement in 2016 that allowed for the successful reintegration of 13,000 fighters into civilian life.

After initially seeing a significant decline in violence and casualties, the conflict has gained momentum again in recent years, as the Colombian state has failed to establish a presence of its own to fill the power vacuum left by the FARC

and to assert the state monopoly on the use of force nationwide. The last still active historical guerrilla organisation, the Ejército de Liberación Nacional (ELN), the FARC dissidents, the Clan del Golfo and other illegal armed groups control entire regions, fighting bitterly for the income from coca cultivation, drug smuggling and illegal mining. Experts say there are 35 to 50 illegal armed groups operating in the country.² The International Committee of the Red Cross registered seven non-state armed conflicts in Colombia in its 2023 Humanitarian Challenges report, three of which relate to the Colombian state’s disputes with the ELN, the FARC dissidents and the Clan del Golfo. The remaining four are conflicts among non-state armed groups themselves.³

The previous government under President Iván Duque (2018 to 2022) pursued a policy known as *paz con legalidad* (“peace with legality”), which primarily relied on intelligence-gathering combined with military and police operations to fight the illegal groups and kill their leaders. Despite some successful operations, the Duque government failed to significantly improve the security situation in the country, since the strategy led to further fragmentation of the conflict landscape with numerous succession battles and territorial struggles that particularly affected the rural population. Petro’s *paz total* is diametrically opposed to the policy of his predecessor in office. Rather than focusing on the deployment of state security forces, government policy is now centred on dialogue and offers of negotiations to all armed groups. The underlying assumption by Petro and the representatives of his left-wing government alliance is that the

causes of the conflict lie primarily in the persistent poverty, inequality and social injustice.

This policy change initially met with a positive response from Colombia's international partners. The German government signalled full support for the policy of *paz total*,⁴ confirmed its commitment to the Colombian peace process – when the German Foreign Minister visited Cali in June 2023, for example – and declared its willingness to act as a supporting state in the negotiation process with the ELN. This includes sending diplomatic representatives to the negotiation rounds and financing the logistics of the negotiation process. Germany already hosted negotiations with the ELN 25 years ago under

the auspices of the German Bishops' Conference, but these later failed. In 2015, the Federal Government appointed a special representative to coordinate Germany's contributions to the Colombian peace process with the FARC. This mandate has since expired and has not been renewed. Despite all the setbacks and sluggish implementation, the peace agreement with the FARC can be said to be successful if only because of the effective demobilisation and reintegration of 13,000 guerrilla fighters, yet the prospects of *paz total* are still unclear a year after the change of government. Given the strength and historical significance of the movement, successful peace negotiations with the ELN would be a milestone.



A terrible record: According to investigations by a truth commission, more than 450,000 people were killed in the conflict in Colombia between 1985 and 2018, with thousands more missing. The photo shows people whose fate is unknown. Photo: © Fernando Vergara, AP, picture alliance.

Negotiations with the ELN – Challenges and Perspectives

The legal basis for the negotiation processes is Act 2272, the law on *paz total* passed by Congress at the end of 2022, which defines two categories. The first includes groups that are granted political status based on their underlying motivation: political negotiations can be conducted with such groups on matters such as participation in the political process and reforms of the economic, social and state system – similar to the peace negotiations with the FARC. The second category covers organisations of a purely criminal nature without a political element: the only option available for these groups is submission to the judiciary. However, representatives of this second category can expect significant reductions in sentences if they cooperate fully in solving crimes and provide information to help dismantle the organisation and reveal drug-smuggling routes. A law defining the framework conditions in more detail is currently still passing through the parliamentary process.

In late March, the ELN killed ten soldiers in an attack in the border region with Venezuela.

The ELN is recognised by the Petro government as a political negotiating partner. According to current estimates, the guerrilla movement founded in 1964 has around 6,000 members⁵ and is present in 16 per cent⁶ of all urban and rural districts. At least seven governments have conducted peace negotiations with the ELN since 1985 without managing to arrive at a successful conclusion. The last negotiations were broken off by the Duque government in January 2019 after the ELN used a car bomb to carry out an attack on the police academy in Bogotá, killing 23 people.

Negotiations with the ELN involve major challenges. Firstly, unlike the FARC, this guerrilla group is strongly decentralised, and secondly, all national leadership members are in Cuba or

Venezuela, so it is not clear whether any agreements reached can be implemented on a binding basis in the Colombian regions. In addition, the ELN has announced that it will not surrender its weapons until all agreements with the government – including far-reaching state and social reforms – have been implemented. Critics believe that the ELN is not genuinely willing to negotiate: they describe the organisation as being largely a drug mafia that has long since lost its political character and is only using the talks with the government to expand its territorial influence.

A bilateral six-month ceasefire with the five main armed groups, announced by President Petro on Twitter prematurely at the end of 2022, was instantly denied by the ELN. Attacks on state security forces and forced recruitment continued. At the end of March, the ELN killed ten soldiers in an attack carried out in the border region with Venezuela. Nevertheless, the government decided to continue the negotiation process. After initial rounds of negotiations in Venezuela and Mexico, a breakthrough was finally achieved at the third round of negotiations in Cuba. On 9 June, President Petro and ELN leader Antonio García signed an agreement in Havana on a six-month nationwide bilateral ceasefire starting on 3 August 2023. The aim here is to create a basis for further negotiations involving the civilian population and to improve the humanitarian situation of the population in those conflict regions particularly affected. The Catholic Church and the UN are involved in verifying implementation of the agreements reached. It remains to be seen in the coming months whether the ceasefire is respected by all ELN units in the regions. Doubts appear to be justified. For example, the ELN leadership ordered the cessation of all offensive actions against the police and military as of 6 July, yet almost simultaneously – in connection with the anniversary of the founding of the guerrilla movement on 4 July 1964 – ELN units launched a nationwide wave of terror involving more than 30 attacks on members of the police and on infrastructure. Three police officers were killed and several injured.⁷ Protocols have since been agreed on to verify and, if necessary, extend the six-month ceasefire in rural areas. Additionally,



a dialogue process was initiated with the aim of involving civil society in the negotiations. Even though key issues such as extortion of protection money, kidnapping and forced recruitment by the ELN remain unresolved, the Petro government has secured an initial interim victory by agreeing the ceasefire to give the *paz total* project greater legitimacy.

FARC Dissidents and Other Armed Groups

Dialogue with the dissidents of the FARC guerrilla is likewise difficult. Those dissidents fall into two groups. The first, under the name Estado Central (EMC), comprises a number of FARC units that refused to sign the 2016 peace agreement and continue to operate in various regions of Colombia. The second group, Segunda Marquetalia, was founded by FARC commanders who originally joined the peace process but went underground in 2019 and took up arms again. Both these organisations compete with the ELN and other illegal groups – as well as with each other – over the control of territory, illegal mining, and drug cultivation and trafficking. According to estimates by the think tank Fundación Ideas para la Paz (FIP), the two groups together have a total of more than 5,000 members. While the government has granted EMC political status for negotiations, this has not yet been conclusively clarified for the Segunda Marquetalia.

In May 2023, it was revealed that the EMC had tracked down and executed four underage members of an indigenous community who had fled after being forcibly recruited. President Petro then declared the end of the ceasefire with the EMC in four regions and ordered the military to resume operations against the group, albeit without suspending the ongoing dialogue process. The EMC responded immediately and, with an eye on the important regional and local elections at the end of October 2023, declared that representatives of “traditional parties” were not welcome in the regions under its “political and military control”. Recently, a new ceasefire and the beginning of official negotiations, to start in October, were agreed. Informal talks are also being held with the

Segunda Marquetalia – with which a bilateral ceasefire continues to apply – under the leadership of Colombia’s High Commissioner for Peace, Danilo Rueda, but these talks have not yet resulted in an official negotiation process.

Unlike the two factions of FARC dissidents, it is clear that the Clan del Golfo is not recognised as a political guerrilla movement. According to estimates by experts, this criminal organisation has over 4,000 members, does not pursue a political agenda and is particularly active in illegal mining, cocaine trafficking and the extortion of protection money. A ceasefire between the Clan del Golfo and the Colombian military established at the beginning of the year was declared to be over by President Petro at the end of March after the organisation continued its attacks on state security forces and the civilian population. In their public statements, spokespersons for the Clan del Golfo have repeatedly declared their willingness to negotiate, but even the Petro government is now doubtful that any dialogue process with this group can be successful. Little is known about the status of ongoing talks with other illegal armed groups such as the Autodefensas Conquistadores de la Sierra Nevada and criminal structures in Medellín, Buenaventura and Quibdó, which are of a more regional or local nature.

The sense of security among people representing the interests of local communities has deteriorated.

Peace without Security?

A year after the change of government, the *paz total* project has seen mixed results. An analysis by the FIP⁸ of the general security situation illustrates the extent of violence and lack of security in the country: while fewer members of the state security forces were injured (84) or killed (21) in the first quarter of 2023 than in the same period of 2022 (206/27), the trend

has been on the rise again with the ending of ceasefires. Murders of social leaders were 30 per cent lower in the first four months of 2023 compared to the previous year. Nevertheless, there have been 51 murders in this period – the third highest figure since 2016, when the peace agreement was entered into with the FARC. Curfews imposed by illegal groups increased by 32 per cent, while forcible evictions decreased slightly by nine per cent over the same period. Violent clashes between armed groups (24) increased in the first trimester of 2023, reaching a three-year high. Kidnappings increased by 103 per cent in the first quarter of 2023, and the extortion of protection money by 27 per cent.⁹

Security experts interpret these figures as evidence of the fact that although confrontations between state security forces and illegal armed groups have decreased in the wake of the government’s offers to negotiate, the criminal organisations are taking advantage of the decreasing pressure of prosecution and the freedom this gives them to consolidate their control over territory and the population. A survey conducted in April 2023 among people representing the interests of local communities – known as *líderes sociales* – found that the sense of security among this particularly vulnerable group of people had deteriorated significantly. 85 per cent of respondents said they felt unsafe in their own environment, while 50 per cent said that the security situation was unchanged compared to the previous year. 30 per cent saw a deterioration, and only 14 per cent said they felt there had been an improvement in the security situation. Only 7 per cent of respondents were aware of how the government’s ongoing negotiations with the armed groups were progressing.¹⁰ Representative opinion polls now show increasing scepticism towards the policy of *paz total*. According to a recent survey by the renowned polling institute Invamer, 63 per cent of respondents think the government project is on the wrong track, while 29 per cent think it is pursuing the right course. 24 per cent say they feel safer because of the policy of *paz total*, while 67 per cent of respondents feel less safe.

These figures clearly show that the radical change in policy and the generous offers of dialogue to illegal armed groups under the Petro government have not brought about any significant improvement in the security situation to date – some indicators even show a negative development. Moreover, the negative perception of the security situation and of the *paz total* project – among both the particularly vulnerable *líderes sociales* and the population as a whole – indicates that the Petro government is increasingly under time pressure to deliver tangible results.

In spring 2023, there was a wave of resignations among senior officers in the armed forces.

Given the fact that regional and local elections are due to be held at the end of October 2023, observers expect the security situation to deteriorate further: experience shows that political violence increases in the run-up to elections, as criminal actors seek to convert their territorial and social control into local political power and co-opt state decision-making structures within their sphere of influence. Threats and attacks against political actors and candidates who oppose or do not cooperate with the illegal groups are commonplace. In its third pre-election report, the local election monitoring initiative Misión Observación Electoral points out that violent actions against political and social leaders increased by 88 per cent from the end of October 2022 to the end of April 2023 compared to the same period before the last local elections in 2019. Such high levels of pre-election violence have not been seen since the organisation was founded in 2006, the report said.¹¹

Improvisation as a Strategy

The magazine *The Economist* was critical in its interim assessment of President Petro in April 2023, saying that the “total peace” project was

more a slogan than an achievable objective.¹² It criticised the bilateral ceasefire with the main illegal armed groups announced by Petro at the end of the year as having been premature and lacking in coordination. The progress in the negotiations reported by the government contrasts with an increasingly precarious security situation. For this reason, critics accuse the government of being naive and gullible. They say that the ceasefires with various violent actors were de facto not bilateral but a unilateral concession on the part of the Colombian state that the groups have taken advantage of to expand their territorial and social control. While this has led to a reduction in violent clashes between state security forces and armed groups, say the critics, it has also meant that confrontations between these groups have increased – with sometimes dramatic consequences for the population in the regions affected. Experts also point out that bilateral ceasefires between the state and individual groups do not necessarily improve the security situation. An illegal organisation that agrees a ceasefire with the military remains subject to attacks by other groups, so the threat to civilians as a result of territorial struggles persists. Multilateral ceasefires in a complex conflict region require individual perpetrators of violence to be systematically registered and localised in order to guarantee a stable ceasefire, however.

Eduardo Pizarro Leongómez, brother of the former commander of the M-19 guerrilla movement and presidential candidate Carlos Pizarro, who was assassinated in 1990, is considered to be one of the most renowned experts on Colombia's long history of conflict. In an interview, he accuses the government of not having a structured plan for the *paz total* project but instead pursuing an improvised course of action that is doomed to failure unless improvements are made soon.¹³ Among other things, Leongómez criticises the restraint and lack of motivation in military leadership circles. The replacement of more than 50 generals in the military and police after the change of government has led to a massive loss of experience and to uncertainty among the state security forces, he says.

The parallel negotiation processes also pose a dilemma for the military in the conflict regions, says Leongómez: when state armed forces come into contact with armed groups, they may not know whether the latter are subject to an agreed ceasefire or not. Any confrontation with a group sitting at the negotiating table could jeopardise the military career of those in command. As a result, the military hardly ever leaves its bases, says Leongómez, which in turn creates new freedom for the armed groups. In spring 2023, there was a wave of resignations among senior officers in the armed forces, apparently due to a lack of prospects combined with frustration at security policy developments and the declining social status of military personnel. A former M-19 guerrillero himself, President Petro had repeatedly expressed his deep mistrust and disrespect for the military leadership. He made Iván Velásquez his Minister of Defence – a renowned anti-corruption campaigner but someone who lacked experience in security and defence policy. Security experts call for state security forces to take on a stronger role within the *paz total* project so as to ensure public security, enforce the state monopoly on the use of force in the regions and conduct negotiations with illegal groups from a position of strength.¹⁴

The Petro government's flagship project is more a political vision than an achievable government objective.

In May, a group of experts consisting of former ministers, chief negotiators and academics published a “Manifesto for Total Peace”,¹⁵ in which they set out twelve proposals to improve the effectiveness of the government's *paz total* project. The paper warns of the risks of new paramilitary groups claiming to be self-defence forces that protect the rights of indigenous, Afro-Colombian or smallholder communities. These *guardias indígenas*, *cimarronas* and



“Respect for the armed forces, respect for our police officers”: Critics in Colombia complain about the government’s treatment of the state security forces. In spring 2023, there was even a wave of resignations by senior officers due to a lack of prospects and frustration over security policy developments and the declining social status of military personnel. [Photo: © Juancho Torres, AA, picture alliance.](#)

campesinas have a long tradition in Colombia, given the lack of state presence in large parts of the national territory. There are also clear indications that these organisations are infiltrated by criminal forces to some extent, however. At the beginning of March, for example, protests by the local population against environmental damage caused by an oil company in the Caquetá region resulted in violent clashes between local *guardias indígenas*, *campesinas* and police forces, in the course of which a police officer and a protester were killed. 79 police officers were detained for a day by the local groups and threatened. While the government downplayed the incident as a “humanitarian

encirclement”, critics called it a “kidnapping” and accused the government of abandoning the police officers. Security sources suspected that the FARC dissidents of the EMC were behind the attacks on the company premises and the kidnapping. This suspicion appeared to be confirmed when, in the same region a few weeks later, EMC commander Iván Mordisco held a public meeting in which he announced the start of the negotiation process with the government. Among the approximately 7,000 participants were numerous representatives of the *guardia campesina* who had been involved in the abduction of the police officers. The aforementioned group of experts warns that these self-defence

groups may become stronger, emphasising that protecting the rights of all Colombians should be the task of the state security forces and the judiciary alone.

Analysts researching Colombia's history of conflict and organised crime structures also point out that the enormous economic incentives associated with illegal mining and cocaine trafficking are key drivers of conflict. They say that the law on "submission to the judiciary" currently passing through parliament should not lead to a situation in which the leaders of illegal groups, after serving greatly reduced sentences, are able to retire legally with their illegally acquired assets, only to be replaced by a new generation of criminals. According to the analysts, the current strategy of seeking negotiated solutions has to be supplemented by instruments to combat the business models of these illegal economies effectively.

Perspectives – Between Utopia and Reality

The Petro government's flagship project – the establishment of "total peace" – is more a political vision than a concrete government objective that can be achieved within a period of four years. The paradigm shift away from a policy that relied one-sidedly on police and military measures to a strategy that prioritises dialogue and negotiated solutions was welcomed by the international community, German and European government representatives included. A year after the Petro government took office, however, the limits and challenges of the *paz total* policy are becoming increasingly clear. The agreement on a six-month ceasefire with the ELN was an important milestone, but concrete implementation in the regions has still failed to materialise. Even though the most visible indicators of conflict – attempts to assassinate the *líderes sociales* and deaths in combat – are declining, the local population remains at the mercy of illegal groups exercising territorial and social control. Extortion of protection money, curfews, threats and forced recruitment are important phenomena that must be observed and incorporated into the assessment of how the *paz total*

policy is progressing. Another important indicator is the development of the security situation in the context of the local and regional elections at the end of October 2023.

German and European foreign and development policy should continue to provide critical and constructive support for the peace process in Colombia. The focus should remain on implementing the peace agreement with the FARC, something that has increasingly been upstaged by the political narrative of *paz total*. The funding of 170 special development zones (Programas de Desarrollo con Enfoque Territorial) that are defined in this agreement must not be neglected – they account for no less than 36 per cent of the national territory and 24 per cent of Colombia's rural population – nor should the programmes for phasing out coca cultivation and for land distribution. When President Petro came to power, he announced that he would purchase three million hectares to distribute to small farmers without land. In actual fact, the government bought only 12,000 hectares in its first ten months in office.¹⁶

Even if *paz total* is to be understood more as a vision than as a concrete objective, there is still currently a wide gap between aspiration and reality. Beyond political narratives, decision-makers in German foreign and development policy should therefore increasingly gear future support towards realities and measurable results. As a global NATO partner and OECD member, as well as being one of the most important countries in Latin America in terms of population, economic power, surface area and wealth of resources, Colombia is a key partner with regard to values and future development whose security, stability and development are in the interests of German foreign policy.

– translated from German –

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