

## BUCHBESPRECHUNGEN / BOOK REVIEWS

*Kerstin Kötschau / Thilo Marauhn (eds.)*

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

Interdisciplinary Perspectives

Schriften zur internationalen Entwicklungs- und Umweltforschung, Bd. 21

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Oliver C. Ruppel (ed.)*

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

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

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

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

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

One could think that this variety of contributors would be problematic to the reader; however, it brings a fresh and almost enthusiastic perspective to the law. Each contribution adds a distinctive perspective and flavour to the overall collection of material – all falling within the broad theme of children’s rights. From an academic institutional point of view, this book is a lesson in empowerment and capacity-building of young professionals. The editor should be commended for his bold and challenging choices.

The topics covered in the book are equally wide. The introductory chapters deal with general constitutional and international child law issues: *Ambunda / Mugadza* on the protection of children’s rights in Namibia: law and policy; and *Ruppel* on the protection of children’s rights under international law from a Namibian perspective. The first article sets out the current law in Namibia within a broader constitutional context with references to legislation and pertinent case law. This article is of particular use to readers not knowledgeable about the Namibian child law. The article by Ruppel provides a succinct overview of the success of the implementation of international instruments in a global as well as regional and sub-regional context. In addition, interesting statistics are added on the Namibian mortality rate, school attendance and educational progress indicators, setting the rights within its actual practical perspective. These chapters are a critical measure of the legal developments that have already taken place over the past few decades.

The major section of the book is dedicated to contemporary legal problems in Namibia vis-à-vis the child: the age of majority (*Coomer / Hubbard*); the Child Care and Protection Act (*Kangandjela / Mapaure*); the best interests of the child (*Dausab*); children’s right to citizenship (*Chipepera / Ruppel-Schlichting*); issues relating to custody and guardianship (*Owoses-/Goagosos*); adoption (*Ruppel / Shipila*); child labour (*Mapaure*); and the right to education of pregnant learners (*Hubbard*).

The collection includes three articles focusing specifically on customary practices: albinism (*Ntinda*); children in polygynous marriages (*Anyolo*); and male circumcision (*Hinz / Hangula*). The article on the constitutional challenges of children with albinism is particularly new and insightful since very little has been written on the issue worldwide.

In addition, a grouping of multi-disciplinary articles has been added, focusing on vulnerable children within and outside the courts system: restorative justice in general (*Schultz*); child witnesses (*Silungwe*); child suggestibility (*Mudzanapabwe*); and perpetrators of violent crimes against children (*De Klerk*). Furthermore, articles have been included on the access of information by orphans (*Mchombu*); child trafficking and prostitution (*Conteh*); ombudsman for children (*Rogalska-Piechota*); and social assistance benefits (*Nkosi*).

The compilation concludes with a chapter on methodological provocations in what the author calls the quest for the recognition and implementation of children’s rights (*Stewart*). With the preceding chapters focusing on the history, current, future developments and problems in the Namibian legal system, Stewart focuses on the “search for a focus”. She asks fundamental and provocative questions going to the heart of the success of the implementation of children’s rights. The suggestion is that the legal fraternity should look at the

problems from the viewpoint of the most fundamental entity in the equation, namely the child. Questions should constantly be asked about the benefits and needs of the child. By doing so, the context of the child within his or her actual reality would lead to the clarification of the effect of the legal rights on the child. This in turn should strengthen the understanding of the effect of the implementation of the rights on the child and hopefully lead to an adaptation of the interventions.

Editorially, a compilation of this nature is bound to yield some contributions that are more in depth than others, as well as a variety in styles. This is indeed the case. Although the manuscript is not perfect linguistically, it would be unfair to focus on a few minor gremlins that crept through to the final product. These imperfections do not in any way detract from what is an informative and engaging study.

This book is a valuable contribution to the jurisprudence in not only Namibia, but also in Southern Africa as a whole. It would be indispensable to those who are concerned with the rights of children in these areas. It reflects insightfully on the issue of the promotion and protection of children's rights in general. It is also gratifying to note that the book has its roots firmly in Africa – from the authors and the material, to the art and poetry that introduces the book.

*Marita Carnelley*, Pietermaritzburg

*Auswärtiges Amt* (Hrsg.)

**Biographisches Handbuch des deutschen Auswärtigen Dienstes 1871 – 1945**

Band 3: L – R. Bearbeitet von Gerhard Keiper und Martin Kröger

Schöningh Verlag, Paderborn u.a., 2008, 749 S., € 158,00; ISBN 978-3-506-71842-6

Nun liegt er also vor, der 3. Band dieses eindrucksvollen Handbuchs, und bietet mit seinen meist mit Fotos versehenen tabellarischen Lebensläufen ein faszinierendes zeitgeschichtliches Kompendium mit vielen Überraschungen und Aha-Erlebnissen, wie schon die 2000 und 2005 erschienenen Vorgängerbände. Auf deren Besprechung in VRÜ 2005, S. 354-358 sei an dieser Stelle verwiesen.

Kaiserliche Reichskanzler findet man hier allerdings nicht: Die sind vollzählig in den ersten beiden Bänden enthalten, fünf im ersten und zwei noch nicht namentlich genannte im zweiten: *Fürst Chlodwig von Hohenlohe-Schillingfürst*, *Prinz von Ratibor und Corvey* (1894–1900), um den von Kaiser Wilhelm II. mit freundlicher Herablassung als "Onkel Chlodwig" Titulierten beim vollen Namen zu nennen, und *Graf Georg von Hertling* (1917–1918). Beide kamen aus der bayerischen Innenpolitik und Verwaltung und waren dort Ministerpräsident und Außenminister gewesen, Fürst Chlodwig noch im souveränen Königreich von 1866–70.

Im hier zu besprechenden dritten Band verdanken manche bekannte und auch bedeutende Persönlichkeiten ihre Aufnahme weniger bekannten früheren oder späteren außen-

politischen Funktionen wie der letzte mit parlamentarischer Mehrheit regierende Reichskanzler der Weimarer Republik *Hermann Müller*/SPD 1928–30, der 1919–20 einige Monate Außenminister gewesen war. Seine Abwahl 1930 im Streit um die Finanzierung des Panzerschiffes "Deutschland" ebnete den Weg für die folgenden Präsidialkabinette, die ihrerseits in die "Machtergreifung" Adolf Hitlers am 30.01.1933 mündeten.

Hitlers Steigbügelhalter *Franz v. Papen* wiederum – vom Alphabet in die Nachbarschaft der Anstandsdame der frühen Bundesrepublik *Erica Pappritz* platziert, fand nach seiner politischen Ausbootung Verwendung als Botschafter in Wien (1934–38) und Ankara (1938–44). Dass Papst Pius XI. den erzkonservativen Katholiken zu seinem Geheimen Kammerherrn ernannte (1923), erscheint konsequent. Die Übertragung der gleichen Funktion durch Papst Johannes XXIII. 1959 überrascht aber doch: Immerhin war er nach seinem Freispruch im Nürnberger Internationalen "Hauptkriegsverbrecherprozess" 1946 von einer Nürnberger Spruchkammer 1947 zu 8 Jahren Arbeitslager verurteilt worden, von denen er allerdings nur zwei abzubüßen brauchte.

Eine Art Kontrastprogramm bietet der Lebenslauf des evangelischen Konservativen und Karrierediplomaten *Konstantin Freiherr v. Neurath*, der 1901 in den Auswärtigen Dienst (konsularische Laufbahn) eintrat, dem er mit einer Unterbrechung 1916–18 als Kammerherr des Königs von Württemberg bis 1938 treu bleiben sollte: Leiterposten in Kopenhagen (Gesandter 1919–22), Rom 1922–30 und London 1930–32 (jeweils Botschafter) sind die markanten Stationen einer erfolgreichen Diplomatenlaufbahn. Im Juni 1932 ernannte ihn Reichskanzler v. Papen zum Außenminister. Das blieb er auch unter v. Schleicher und Hitler bis 1938 und bemühte sich – wenn auch mit nachlassendem Erfolg –, dem AA eine "honorige" Struktur zu erhalten. Dann allerdings musste er seinem langjährigen Rivalen *Joachim v. Ribbentrop* weichen, den er 1936 als Botschafter nach London hatte schicken müssen. 1939 als "Reichsprotector" nach Prag weggelobt, wusste er sich nicht gegen die SS-Führerränge zu wehren, mit denen ihn Heinrich Himmler bedachte. Ohnehin nur als Fassade für das SD-Regime von Reinhard Heydrich und seinen Nachfolgern benutzt, wurde er 1941 beurlaubt. Seine Verurteilung zu 15 Jahren Gefängnis im Nürnberger Hauptkriegsverbrecherprozess 1946 erscheint vor allem im Vergleich zum Freispruch v. Papens als unverhältnismäßig.

Damit rückt der Spirituosenverkäufer *Joachim v. Ribbentrop* ins Blickfeld, der das "v." einer 1925 offenbar eigens zu diesem Zweck erfolgten Adoption verdankte: Da war er 32 Jahre alt und hatte 1920 in die Sektdynastie Henkell eingeheiratet. 1932 in die NSDAP eingetreten, machte er seit 1934 als deren "Beauftragter für außenpolitische Fragen" dem AA Konkurrenz, bis er auf Weisung Hitlers 1935 als Sonderbotschafter in dieses integriert und ein Jahr später als Botschafter nach London entsandt wurde, wo er durch provozierendes Auftreten einiges an politischem Porzellan zerschlug. Anfang 1938 zum Außenminister ernannt, blieb er dies bis zum 30.04.1945. Im Nürnberger Hauptkriegsverbrecherprozess zum Tode verurteilt, wurde er am 16.10.1946 hingerichtet.

Nicht einmal fünf Monate war *Walter Rathenau* Reichsaußenminister, als er am 22.06.1922 einer rechtsradikalen Mörderkugel zum Opfer fiel. In dieser kurzen Zeit aber

war ihm mit dem Rapallo-Vertrag eine erfolgreiche Weichenstellung der deutschen Politik nach dem Ersten Weltkrieg gelungen. Sein viel zu früher Tod lädt zu Spekulationen geradezu ein, ob die Geschichte der Weimarer Republik einen positiveren Verlauf hätte nehmen können, wäre diesem bedeutenden Unternehmer (AEG), Staatsmann und Philosophen ein längeres Wirken vergönnt gewesen.

Gleich mit drei Vertretern erscheint im Handbuch das Fürstenhaus Reuß jüngere Linie, das eine Art Abonnement auf diplomatische Posten gehabt zu haben scheint. Da seine männlichen Mitglieder alle Heinrich hießen, gibt es hier Nummerierungsprobleme: Offenbar wurde bis 100 (C) durchgezählt und dann wieder mit I. begonnen. Sonst könnte nicht *Prinz Heinrich VII.* (1825–1906) Sohn Heinrichs LXIII., Vater Heinrichs XXXIII. und Großvater Heinrichs II. sein! Genug der Zahlenspiele: Im Dienste Preußens, des Norddeutschen Bundes und des Deutschen Reichs durchlief er eine eindrucksvolle diplomatische Karriere, die mit Botschafterposten in St. Petersburg (1867–76), Konstantinopel (1877–78) und Wien (1878–94) kulminierte. In Konstantinopel konnte er das 1875–77 errichtete Kanzlei- und Residenzgebäude einweihen und richtete in diesem Zusammenhang eine Beschwerde nach Berlin, seine Bezüge erlaubten ihm nicht, den "Kaisersaal" des Gebäudes mehr als einmal im Jahr für Empfänge zu nutzen. Sein Sohn *Prinz Heinrich XXXIII.* war hauptberuflich preußischer Offizier und gehörte nur 1906–13 mit Stationen in Paris, Tokyo und Wien zum auswärtigen Dienst. *Prinz Heinrich XXXI.* (1868–1929) dagegen, Sohn des Fürsten Heinrich LXIV., war Berufsdiplomate, der es zum Gesandten in Teheran brachte. Bemerkenswert ist, dass er ab August 1914 als freiwilliger Krankenpfleger Kriegsdienst leistete.

Das Foto von *Paul Georg v. Möllendorf* in koreanischer Amtstracht als Vize-Außenminister wirkt ungewohnt, ist aber folgerichtig: Nur den drei Jahren 1883–85 in dieser Funktion verdankt er seine historische Stellung. Die 21 Jahre im chinesischen Seezollendienst bis zu seinem Tod 1906 treten dagegen ebenso zurück wie seine Tätigkeit als Dolmetscher-Eleve an den deutschen Vertretungen in Shanghai, Tientsin und Peking 1874–82, denen wiederum die Aufnahme in diesen Band zu danken ist. In Seoul aber, wohin er durch China empfohlen worden war, wurde er zur Schlüsselfigur für die "Öffnung" und Modernisierung des bis dahin streng abgeschlossenen Landes und durch die Berufung deutscher Fachleute und den Import deutscher Maschinen zum Wegbereiter freundschaftlicher deutsch-koreanischer Beziehungen, dessen Name noch heute in Süd-Korea mit großer Hochachtung genannt wird. Sein Sturz wurde am Königshof hauptsächlich durch die USA betrieben, deren Vertreter in die frei werdenden Beraterstellen nachrückten, bis sie ihrerseits von den Japanern verdrängt wurden. Fehlende Unterstützung durch die Reichsregierung soll dabei eine Rolle gespielt haben.

Die 2005 geäußerte Vermutung, meinen früheren Vorgesetzten *Julius Borgs-Maciejewski*, 1952–59 Gesandter bzw. Botschafter in Asunción, unter "M" zu finden, hat sich bestätigt: Erst während seiner Tätigkeit in der Berliner Zentrale der CDU unter Jakob Kaiser (1945–49) hatte er seinem Namen das mütterliche "Borgs" vorangestellt.

Schließlich sei noch an *Alfons Reuschenbach* erinnert: Als Leiter des damaligen Konsulats Rotterdam war er 1955–56 mein erster Chef im Ausland und vermittelte mir die Erkenntnis, dass mir als Berufsanfänger nichts Besseres passieren könne, als einen klugen und faulen Chef zu haben: Klug müsse er sein, um die Fähigkeiten des Mitarbeiters zu erkennen, und faul, damit dieser auch an die interessanten Vorgänge herankomme. Im Rahmen einer Betriebsfeier widmete ich ihm folgenden Limerick:

Was haben wir doch für 'nen Chef:  
Fragt kaum nach Bezug und Betreff;  
Doch er schafft Atmosphäre  
Und wo's kaum möglich wäre,  
Schafft Kontakt er, ganz aus dem Eff-Eff.

Im kriegszerstörten Rotterdam eine ganz wesentliche Fähigkeit!

*Karl Leuteritz, Königswinter*