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## EDITORIAL NOTE

This is the 3<sup>rd</sup> issue of the Bishop Stuart University's Academic Journal of Development, Education and Technology (JODET Vol. 01 Issue 03) which was launched in January 2023. The first issue was accepted for indexing in Google Scholar and CrossRef, thus strengthening BSU's standing as a fast-growing research-based institution in Uganda. We are not just any other learning institution among Uganda's institutions of Higher Learning but an establishment that creates new knowledge and contributes to the country's development by seeking solutions to the nation's challenges.

As beginning to be established, the articles in this issue cover a wide range of disciplines that reflect the serious intentions of the institution to provide an avenue for development that is commensurate with the needs of a vibrant economy like Uganda's.

Research is the bedrock of knowledge on which the future of a developing nation can depend. It is a reflection of the thinking of the future leaders whose duty is to create a better tomorrow for everyone, regardless of their pursuits in life.

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# The Depictions of Expectation Versus Reality in Noviolet Bulawayo's *We Need New Names*

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## ABSTRACT

In the post-colonial era, Zimbabwe experienced a period of political and economic upheavals with a political regime whose ideology of socialism regimented Zimbabweans under an authoritarian state. In 1999, the opposition to President Mugabe and the ZANU-PF government grew considerably after the mid-1990s in part due to the worsening economic and human rights conditions brought about by the seizure of farmlands owned by white farmers and economic sanctions imposed by the Western countries in response. This economic upheaval was, and is still the cardinal reason why the citizens of Zimbabwe have almost not been a priority in the former regime, leading to their migration to seemingly better-off countries. No Violet Bulawayo is one such Zimbabwean who has left her motherland and now lives in America. In her novel, *We Need New Names*, she beautifully elaborates how the non-prioritized state of citizens in Zimbabwe is responsible for the huge number of immigrants who have left Zimbabwe and continue to leave, with hope as beautiful as a rainbow high up on their minds that maybe, just maybe, in a land far away from home, life can meaningfully

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reward their dreams which ironically, their mother country has so painfully failed to help them achieve.

**Keywords;** exile, prison, nostalgia, expectation, alienation, Bulawayo, Paradise, appear, come.

## INTRODUCTION

NoViolet Bulawayo's debut novel, *We Need New Names* has received a number of awards with the available critical analyses' central interest being on the dual meaning and importance of names. These names are analyzed in a social-political sense with commentators arguing that the names of Darling and her friends; Bastard, Stina, Godknows, and Chido correspond to the political and economic realities in post-independent Zimbabwe.

This kind of reading is quite informative but it ignores a very interesting tangent of the novel- the depiction of Paradise as a form of prison which puts Darling in a dreamy mode about life in the USA and how great it must be. Vaso says: "The temptation of a different life seems better from afar and the easy accessibility to other countries hinders the decision to stay." (Exile. 19). I explain that Bulawayo uses powerful insights to explain how prison isn't just a four-walled guarded room but also a state of mind that the people of Paradise painfully suffer from, having been deprived of the basics of life in her novel. It is this prison which like many other forms of prison, causes Darling the protagonist, to seek a better life in the USA a place far away from Paradise, her home, a shanty town in Zimbabwe. I, therefore, elaborate that Bulawayo's text acts as an example to children who are deprived of the basic necessities of life in post-colonial countries and how their expectation causes them to go to other countries where they encounter the harsh realities of exile life, just like Darling.

A prison is a building in which people are legally held as punishment for the crime committed or while still awaiting trial. I argue in this paper, that there is a different form of prison which Bulawayo helps us to appreciate. That state of being in one's country with the inherent right to access services like health and education yet remains



with not even any hope of ever accessing them. This kind of prison like the physical one holds the Inhabitants of such a land as prisoners in the same measure, robbing them of all hope and the will to live on, just like the physical one.

Exile, on the other hand, is defined by Saidi as “a discontinuous state of being because exiles are cut off from their people, land, roots, and their past.” It can also be a state or period of being forced absent from one’s country or home. In the case of Bulawayo and in turn Darling, the protagonist in this text, it is the economic situation that in turn leaves very many social services broken down that presents their urgent need to leave Zimbabwe, a country they have known since their birth as home.

Important to note is the realization that the desire to live in exile is always fostered by a fear of being imprisoned for life in one’s own country. In this paper, I argue that Bulawayo expounds on the different ways and forms in which the government of Zimbabwe has constructed different types of prisons for its citizens besides the conventional ones. It is important to note that it is not necessarily a four-roomed guarded space but also the different ways/forms as Bulawayo elaborates as discussed below.

Bulawayo, a shanty town where different people ‘*appear*’ as a result of being displaced from their original habitations becomes an economic prison considering the fact that Darling and many other families simply ‘*appear*’ there but do not ‘*come*’. Bulawayo uses the word ‘*appear*’ not to mean ‘*come*’ because;

*They did not come to Paradise. Coming would mean that they were choosers. That they first*

*Looked at the sun, sat down with crossed legs, picked their teeth, and pondered the decision. That*

*they took time to gaze at their reflection in long mirrors, perhaps pat their hair, tighten their belts, check the*

*watches on their wrists before looking at the red road and finally announcing: Now we are ready*

*for this. They didn’t come, no. They just appeared.*

*They appeared one by one, two by two, three by three.*

*They appeared single file, like the ants.*

*In swarms, like flies. In angry waves, like a wretched sea.  
They appeared in the early morning, in the  
afternoon, in the deed of the night. They appeared with the  
dust from their crushed houses clinging to  
their hair and skin and clothes, making them appear like  
things from another life ... (Bulawayo. 73)*

Bulawayo uses this non-hyperbolic description to highlight the different formalities that they should have done but didn't do because of the rushed, forced way in which the inhabitants of Paradise appeared there as well as the manner in which they did. This extract shows the author's literary ability to recreate events as they happened (Mlambo.) I, therefore, argue that in appearing unevenly, that is, at different times and in no particular numbers per group, they didn't have a plan as they would if they had 'come'. Appearing in this case therefore is caused by a rude, heartbreaking, unprecedented, eviction from their homelands which in the novel is the bulldozing of their houses (on top of which debris children sit with empty eyes looking into space with pain written all over their faces and in their empty expressions) to resettle them "in those wretched reserves" (Bulawayo.75) for the rich yet evil citizens to build factories or residential houses at the expense of the easy- to-displace poor citizens.

The cause of their appearance is even made worse by the realization that their fellow black people are taking part in demolishing their houses to which Mzilawulandelwa notes, "Better a white thief do that to you than your own black brother. And just like that, they appeared in Paradise with nothing of their own except their own memories and those handed down by their mothers and mothers' mothers - a nation's memory." (Bulawayo. 75-76)

Bulawayo uses the image of a black stool left behind to symbolize a lost history, an erased past that was only embodied in Mzilawulandelwa's great grandfather's black stool which had been passed on from 'Sindimbe to his son Silile who passed it on to his son Ngalo who passed it on to his son Mabhada who passed it on to Mzilawulandelwa who was to pass it on to his son Vulindlele.' This in essence illustrates a crush/ loss of their history which means that they will never be the same again for in that black stool lay their foundation

as well as their future prospects. In appearing in Paradise, they have not only lost their houses but also who they are as a people which makes it a typical feel of prison life. Such a life of a tattered past ruined history, and hopelessness initially draws them into silence for a very long time. This feeling of disillusionment makes Paradise a typical prison which prompts Darling to leave Zimbabwe for the USA, the land of endless opportunities.

“In Paradise, the external signs of life indicate disease rather than health.” (Vaso .21) Darling’s father plays the symbolic role of the inhabitants of Paradise who go to other countries to work for survival only to contract diseases like AIDS and return home on their death beds. I argue that if he had got work opportunities in Zimbabwe as the university graduate that he was, he may have been a responsible husband and father, raising Darling his daughter with all the basic needs that she yearns for in America. In coming home very sick, he scares Darling to the core of her being, which makes her so angry, hurt, and unsympathetic. Bulawayo introduces this chapter with an arresting sound perhaps to help the reader understand Darling’s pain:

SHHHH

*Father comes home after many years of forgetting us, of not sending us money, of not loving us, not anything us, and parks in the shark, unable to move, unable to talk properly, unable to anything, vomiting and vomiting and defecating on himself, and it smells like something died in there dead and rotting, his body a black, terrible stick; I come from playing Find Bin Laden and he is there.*

*Just there. Parked. In the corner. On mother’s bed. So thin, like he eats pins and wire, so thin at first, I don’t even see him under the blankets. I am getting on the bed to get the skipping rope for playing Andy- over. when F---- lifts his head and I see him for the first time. He is just length and bones. He is rough skin. He is crocodile teeth and egg-white eyes, lying there, drowning on the bed.” (Bulawayo.89-90)*

Bulawayo deploys this powerful metaphorical description to help the reader have a full insight into the conditions which cause Darling to

feel this, sad, pained, and unsympathetic towards the only man he calls her father. She uses a variety of figures of speech-like imagery to describe the state of Darling's father upon his return home as 'length and bones, rough skin, crocodile teeth, egg white eyes' which are all carefully deployed for the reader to understand the state he is in and maybe not judge Darling so harshly. His form is only an exhibit of what the product of prison life looks and feels like. That product should naturally invoke feelings of anguish, pain, and resentment in his only daughter who fails to take it all in. Bulawayo uses allegory in the deployment of Darling's father as a demonstration of what the citizens of Zimbabwe have had to endure at the expense of a cruel and mean government whose priorities, unfortunately, exclude the welfare of its people.

Ambiguity is equally deployed in the way Darling's mother pushes her by the neck causing her to stagger forward and almost fall onto the 'terrible bones'. (Bulawayo.90). It is further evidenced in the way she almost addresses him as 'F— '(for father) but before she can utter the whole word, she immediately realizes that she is addressing the wrong person, a person who is just 'length and bones' yet her known father went to South Africa a long time ago and as far as she is concerned, is still there. I demonstrate that this realization brings into perspective the extent of Darling's denial and subsequent disillusionment in accepting the fact that her dear father is suffering from a disease that has eaten up all his flesh, leaving in his place mere lengthy bones.

This state makes Darling a symbol that Bulawayo constructs to depict the nature of denial which the Zimbabweans live in and painfully strive to thrive in yet like the sick man on his death bed, it is just left in a state in which Darling like the citizens just prays for its end to come sooner. This demonstrates how Darling has failed to get to terms with the state in which her father is to the point of wishing that he dies sooner so that she can go back to play with her friends. Referring to him as "terrible bones" shows how disgusted she is with the state her father finds himself in today. The reader sympathizes with her because seeing

one's father in such a state naturally feels the pain with which she emphasizes him as 'terrible bones'.

Bulawayo excels at displaying the pain and anguish that the citizens of Zimbabwe feel towards a government that has promised service delivery time and time again but has not delivered, thus causing a strained relationship between the two parties, the state, and the citizens, just like that relationship between Darling and her father is, he having left home with a promise to send money for supplies which he never delivers as promised. AIDS which eventually kills Darling's father is only but a symbol of the economic crisis that wrecks Zimbabwe, draining its citizens of all hope and the will to live, in the end leaving them dead in all fronts.

The citizens of Zimbabwe undergo a unique kind of death. Theirs is that emotional and psychological death that comes for them, as a result of living in prison, a prison fashioned by the state to kill its own citizens. Even if in both, the two parties undergo different types of death, the cause is the same-- a government that has given up on the citizens that it is meant to look after. Just like Darling's father may never come back to life, the Zimbabwean economy may never recover from its financial crisis which proves a dead end to its citizens. In the end, a prison for these citizens becomes the torture and hopelessness meted on them. Consequently, this torture, a form of prison, becomes the motivation for the Zimbabweans to move to other countries including Darling, the protagonist in this novel, to move to other countries.

Darling and her friends have always been hungry and have mastered the art of stealing guavas from Budapest, not so far away from Paradise where people live in affluent homes which only points to the unequal distribution of resources. It is ironic that the homes where people have it all in life are the same ones with guava trees so ripe and tasty as if to remind the reader that indeed 'To those who have, more will be given, and they will have abundance! (Mathew 25: 29) This clear divide between the rich and the poor brings into play Marx's theory by which the rich continue to amass wealth as the poor become

poorer with hunger as their frequent companion et both parties live in close quarters. It is this hunger that prompts Darling to go to the USA with the hope of finding food and eating to her fill, always.

Chido, one of Darling's friends who is pregnant courtesy of her grandfather, brings the issue of incest to the table. She tells her friends that, her grandfather ..... A grandfather who is supposed to instill morals and ensure his granddaughter is well-behaved literary goes against all expectations and rapes her on the occasion of her grandmother's absence leaving her so wretched and violated. This act brings out the view that the grandfather violates his granddaughter in the same measure that Zimbabwe has done to its citizens, draining them of all the will to live just like Chido.

In giving herself up for an abortion procedure to her friends, Chido demonstrates a lack of hope and the will to carry on with the pregnancy any longer just like the citizens of Zimbabwe have got to the end of their hope in their government and have decided to leave for better-governed nations. Her friends realize the need for new names to become relevant to the procedure. Sibho who has previously watched what happens in the hospital in Harare on television distributes the new names complete with descriptions and he himself becomes Dr. Bullet the beautiful, while Darling becomes Dr. Roz the tall one, Forgiveness becomes Dr. Cutter, and Chido is the patient. The script is set for the naivety of the desired procedure that this team of doctors is set to execute— removing the fetus with just a hanger as the patient dismisses the need for the doctors to remove her pair of shorts saying, "If I take off my shorts then you will see my thing." (Bulawayo: 85)

This pitiful scenario mirrors a situation where both the patient and the doctors are at a loss as to what is supposed to actually be done. Such pathetic scenarios are real in Zimbabwe where people who have not studied and got permission to assume particular professions that they have no idea about - particularly in hospitals - may leave many people dead with medical procedures gone wrong. So Darling painfully leaves Zimbabwe, the only country she has ever known yet it fails to provide

the necessary social services like health care, to embrace America with the hope of accessing better service delivery.

In this novel, Zimbabwe is described as a ‘wretched’ country and its citizens are said to have inherited its wretchedness.

I argue that this assertion naturally leaves out any room for courage and hope to thrive, later alone flourish. This assertion is concretized by Stina, one of Darling’s friends who says that ‘a country is like a Coca-Cola bottle that can smash on the floor and disappoint you. “When a bottle smashes, you cannot put it back together.” (Bulawayo: 160) I read from this statement, Stina’s realization that a country like Zimbabwe has fallen from its former economic glory and down to its current economic crisis, an emptiness which is a powerful way for a child, young as she is to describe that wretched state which Zimbabwe has become today.

This argument is backed by Darling’s father, a university graduate who says, ‘We should have left this wretched country when all this started.’(Bulawayo.92) seemingly cementing his daughter’s resolve to actually leave Zimbabwe, that wretched country, and go to America, a seemingly better land of promise and countless opportunities. Having been imprisoned for so long in the Zimbabwean prison, and in a particular cell called Paradise, like any former prisoner who has been rehabilitated, she longs to reconstruct her life and this time live it meaningfully. This is why she wants to start out in a place so far away, a place with no in-built reminders of her former prison, a place that can welcome her with open arms and clothe her with boundless opportunities to be the girl that she has always longed to be.

Darling is set to go to America which she imagines has everything she has ever dreamt of with beautiful and kind people like those five of the NGO who always give them items like toy guns, some sweets, and some clothes to wear. From these NGOs, as she said, “I get a T-shirt with the word Google at the front, plus a red dress that is tight at the armpits. Thank you much, I say to the pretty lady, who hands me my things, to show her that I know English, she doesn’t say anything back, like maybe I just barked.” (Bulawayo. 55).

Those kind Americans seem greater to her than the people of Paradise yet it is ironic that she still finds it relevant to get some protection against evil after being convinced by her mother to go to Vodloza who makes her sneeze and cough after smoking from a guard with some protection from her ancestors and adds a bone attached to a rainbow-colored string which she gets tied around her waist against the evil people she might encounter in America. Her satisfaction is however cut short when the machines at the airport detect a 'nting nting' noise and her aunt Fostalina helps the police by personally throwing the bones away in the dustbin. The irony here is how Darling feels uncomfortable without her charm/weapon in America where she doesn't have any known enemies, she feels comfortable among her own people in Paradise whom she still leaves behind. This very clearly explains the reality of how she actually feels at ease at home yet prides herself in going away to a place where it is worse even with plenty of food yet she still feels so insecure. 'Darling exchanges a life of hardship but with happiness for an easy life but with sadness and uncertainty.' (Lisa.2013)

Chapter 10 of this novel titled, 'How They Left' explains which people from Zimbabwe left their wretched country and moved to other countries with relevant promises;

*Look at them leaving in droves, the children of the land, just look at them leaving in droves. Those with nothing are crossing the borders. Those with strength are crossing the borders. Those with ambitions are crossing the borders. Those with loss are crossing the borders. Those in pain are crossing the boarders. Moving, running, emigrating, going, deserting, walking, quitting, flying fleeing to all over, to countries near and far, to countries unheard of, to countries whose names they cannot pronounce. They are leaving in droves.*

*When things fall apart, the children of the land scurry and scatter, like birds escaping a burning sky (Bulawayo.145)*

This chapter mainly informs the reader that those people who left did so because when 'things fall apart', the movement of people happens. Bulawayo, in using Chinua Achebe's title in this line



powerfully pays homage to him and also agrees with him regarding post-colonial ruin in Africa. Darling re-echoes the same feeling when she asks, “Who wants to be in a country full of hunger When things are falling apart?” Bulawayo uses such repetition to particularly emphasize the fact that people mainly leave in droves because things are no longer the same- when things fall apart, a country like Zimbabwe is left with nothing to offer its citizens! Bulawayo in this way, shows unity in adding to the list of issues that cause people to leave their countries in search of better lives elsewhere.

The extract above demonstrates that they are not only the lazy ones with nothing much to offer who leave but also those people who are strong, and ambitious, and that they hope to actually leave in search of a better country where to establish themselves and try to call it home too. I suggest that those citizens who had ambition could have been the ones who went running and eventually ended up deserting Zimbabwe considering that they had the idea of what they wanted to do as opposed to those who had nothing but still went anyway. Vaso says “The temptation of a different life that seems better from afar and the easy accessibility to other countries hinders the decision to stay” (Exile .19) Darling like other citizens chooses to leave and she flies with her aunt Fostalina to ‘Destroyed Michigan’ – in America.

The 16<sup>th</sup> chapter describes how they lived in America. On a positive end, they enjoyed the food in big quantities, at MacDonald’s they devoured Big Macs, AT Burger King, they enjoyed Whoopers, white rice KFC they mauled bucket chicken, went to Chinese buffets where they ate fried rice, chicken, and beef, shrimp as well as those whose names they could not read and merely pointed out saying, that too. And they Wolfed down fries with supersize Cokes which made them so happy to the point of, ‘rummaging through the dustbins of our heart to retrieve the stained broken pieces of God where we had flung him during our desperate moments when we were dizzy with hunger’. They ate like pigs, wolves, dignitaries, vultures, stray dogs, monsters, and kings. They ate for their past hunger, for their relatives and friends back home. Uttering their names between mouthfuls brought up their

hungry faces in that moment. Bulawayo's use of an elephant figure is relevant in elaborating how heavy and sluggish they move after filling their stomachs this much. It is this kind of food that makes them remember God and choose to redirect their trust in him. During such moments, however, when out in the city they met other people:

*And when they asked us where we came from, we exchanged glances with Shyness of child brides. They said Africa? We nodded. What part of Africa? We smiled. Where the life expectancy is thirty-five years? We smiled. Is it where dissidents shove AK-47s between women's legs? We smiled. Where people run around naked? We smiled. Is it where the old president rigged the election and people were tortured and killed and a whole bunch of them put into prison and all, there where they are dying of cholera- oh my God, yes we've seen your country on TV; it's been on the news.*

*And when these words rumbled through their lips like crushed bricks, we exchanged glances again and the water in our eyes broke. Our smiles melted like dying shadows and we wept; wept for our blessed, wretched country. We wept and they pitied us and said, it's okay- it's okay, you are in America now, and still we wept and wept like widows, we wept like orphans. (Bulawayo. 237 – 238)*

This lengthy description explains the raw emotions that Darling lives in while in America. Random people find it easy to approach her and remind her of the wretchedness of her country which does not help her at all in finding rest from the constant reminders of what Zimbabwe her home country is. This state is mainly brought out by the race factor. Being black, it is so easy for the non-white citizens of America to be easily identified. This state in a way constitutes her second prison though this time a lighter and bearable one.

Nostalgic memories of her childhood days convey a sense of complete comfort and happiness on arrival in Michigan. The memory of Bastard and Sibho, God knows and Chido who have always called her to Budapest to look for guavas provide the warmth she needs when

she looks through the window and instead sees neither the Jacaranda tree nor a trader singing what she is selling but just nothing that is familiar to her to which TK (uncle Kojo's son and Aunt Fostalina's live-in husband) intimates, 'This is America, you won't see none of that African shit up in this motherfucker' (Bulawayo.147). Darling's first day in Michigan makes her yearn for home, particularly because of her friends whom she already misses so much. This is the first time she notices her dissatisfaction despite the fact that she is now in 'her' America.

When Darling begins to feel at ease with her aunt Fostalina, she realizes that the aunt keeps in the sitting room, walking to nowhere in particular. Darling later discovers that Faustalina actually exercises in trying to cut her weight so as to look like the white women who are so thin and slender yet Uncle Kojo dislikes skinny women who don't represent Africa. Such a disagreement in a family definitely breeds conflict which is not good for family stability and well-being. Darling watches the difference in opinion in disbelief wondering who even refuses to eat such nice American food! Kojo goes on to question why Fostalina doesn't cook hot meals every day, do laundry, and iron as well as clean and keep clean. TK mutters to his father's suggestion, 'patriarchal, motherfucker' as if defending his aunt Fostalina's lifestyle, as Fostalina throws her remaining food on the plate in the dustbin, a sign that Kojo's outburst takes with it her appetite. Such a household with such conflict is not what Darling had anticipated in her quest to go to America. She must wonder silently why the 'well-off' people in her new home are never at peace with themselves. The discord in Aunt Fostalina's marriage in a way illustrates Darling's American dream which she never really gets to wholly embrace, in her whole adult life she stays in America.

Another surprising issue that strikes Darling in America is the way people change their body shapes and sizes with a lot of ease. She takes this to be a huge problem as she can't imagine someone feeling that she is in the wrong body, "Doctor I was born in a wrong body, just make it right. Doctor, I don't like this nose, these breasts, and these lips" (Bulawayo.239.) This in my view makes Americans look half-hearted

and lacking as far as self-appreciation is concerned. Darling further wonders why they have to send away their aging parents to be taken care of by strangers. This feels like the highest level of irresponsibility considering that parents spend a lifetime raising these children who do not see the need to do the same for their aging parents. Darling looks at this as strange because of her background in Zimbabwe where the younger generation looks after their aging parents in the comfort of their homes. Darling further thinks that the practice where parents have no right to beat their children is too strange for one has to really pay for the wrong action done which makes America not that beautiful place she has always dreamt of while in her wretched country, Zimbabwe.

Darling finds the English language such a huge problem because of the way it is meant to be used. When she has not mastered it, she cannot use her own language because she is not in her country which causes her to keep quiet for such a long time. When she finally tries to speak, her voice is bruised which I think is caused by a lack of relevant grammar, intonation, and a lack of confidence. This explains why “when we talked, our tongues thrashed madly in our mouths, staggered like drunken men. We said things we did not mean, yet what we wanted to say remained folded inside, trapped.” (Bulawayo.240).

This language issue in itself becomes a prison that she has to live in each day until she can find a fellow Zimbabwean to ‘summon the horses of their languages, mount their backs and gallop past skyscrapers.’ This beautiful feeling of speaking their home languages usually makes them reluctant to have to realign themselves for English. This terrible feeling is always brushed away by remembering how getting the American Visa is as hard as “crawling through the anus of a needle. Darling remembers how it takes begging, despair, promise, charm, groveling- anything to get out of her country. (Bulawayo. 240) This in a way, calms her down as she gets resigned to the torture of an unknown language, a prison for her, among many other forms of prison in America.

Darling and her new friends Marina and Kristal often hang out at Darling’s home in the basement where they watch disturbing images of pornography which terribly gets them hooked and she gets addicted to assuming the female role just like her two friends who moan so loud

and fiercely as the man in the flick tears inside her, “Now the boy is pumping, grinding digging. We imagine he is fire and we scream as if we are burning in hell. Usually, Kristal is the loudest because she has a high-pitched voice, but today Marina surpasses us all.” (Bulawayo.202). The adverb *usually* is deployed strategically by Bulawayo to help the reader realize that these girls have been watching such movies and playing the female role in the movies for such a long period of time. Kristal’s voice which sounds so low like maybe she is dying of thirst helps the reader to realize that these girls actually get sexual satisfaction. It is through watching such movies that these girls get to realize how men actually have ‘long dangling things ‘which causes them to wonder’ if they don’t dangle in the water when these men sit on the toilet to do number two’. Darling gets introduced to sex and addicted to it in America right in her own home without the watchful eyes of her aunt Fostalina, getting wretched in America, her dream country.

On getting to America, Darling, like many other people doesn’t see herself becoming the person she has set out to be. This is because she realizes that she actually has no school fees to pay for her tuition irrespective of the fact that has a school visa, ‘The spirits back home are hungry and only crawl instead of dancing because they wanted blood and meat and millet beer, they wanted sacrifices, they wanted gifts. And save for a few grains of tobacco, we had nothing to give, absolutely nothing.’ (Bulawayo. 241). On realizing this sad fact, ‘we get hold of our American dream, look at them tenderly as if they were newly born children and put them away, we would not be pursuing them’. (Bulawayo. 241)

This is the most important realization which among many others breaks Darling down. She breaks the law and works even when she is not supposed to as a ‘student’. The irony here is why Darlings chooses to break the law in America, the land of beautiful promises which she doesn’t think of when she is at home in Zimbabwe. I assert that the extreme in changing from the status of being a student to now someone illegally living in America is such an extremely sad state. This is because she has to hold her breath every time the debate on illegals is on. “We bit our tongues till we tasted blood, sat tensely on one butt

cheek, afraid to sit on both because how can you sit properly when you don't know about your tomorrow?" (Bulawayo.242)

The illegal state of not having legal documentation is a life estrangement from her family back home which causes Darling like many illegals to keep lying to their parents about returning home soon saying, "We are coming very soon, we are coming next year. And next year came we said, Next year for real. And when next year for real came, we said next year for sure. And when next year for sure came we said we are coming, you'll see, just wait. And our parents waited and they saw, that we did not come. We could not attend their funerals because we still had no papers." (Bulawayo.248) She loses her relatives back home and the best she can do is to mourn from afar which she does by turning on her music so that she does not attract attention to herself as she 'writhes and wails on the floor.'

This state keeps Darling, like many other illegals in restricted relationships, associating mainly with fellow illegals so as not to be found out. This is the best way for her to avoid their wrath, curiosity, and attention as an extreme measure not to be smoked out. These illegals assign themselves new names whenever one asks their name as a way of being fluid. Whenever they are asked to produce papers, they leave such a job and hop to the next. In finding fellow illegals with names so hard to pronounce, they then refer to them by their countries:

So how on earth do you do this Sri Lanka? Mexico, are you coming or what?

Is it really true you sold a kidney to come to America, India? Guys, just give Tshaka Zulu a break, the guy is old. I'm just saying. We know you despise this job, Sudan, but deal with it man.

Come, Ethiopia, move, move, move; Israel, Kazakhstan, Niger brother, let's go! (Bulawayo. 243). This is the second instance where characters require to get new names to fulfill their roles which brings out the relevance of the novel's title, *We Need New Names* for indeed they need survival. The bottom line is that they all speak different languages but share the same experience like 'wallets with faded photographs of mothers and fathers who are as defeated as Darling's. 'The back-breaking jobs that gnawed at the bones of our dignity,

devoured the meat like cleaning toilets, bagging groceries, sorting out bottles and cans where she often finds nasty things like blood stains, pieces of trash, cigarette stubs drowning in stale beer, the color of urine and one time, a used condom which makes her vomit on every shift' (Bulawayo. 244).

Bulawayo uses the word 'gnaw' to help her reader understand the feeling which wears Darling down in her struggle to remain in America. And for them to work, first they iron their pride flat and are able to clean toilets, pick tobacco and fruit under the boiling sun, "until we hung our tongues and panted like lost hounds. We butchered animals, slit throats, and drained blood. We worked with dangerous machines, holding our breath like crocodiles, our minds on the money and never on our lives." (Bulawayo. 244).

Such a state of affairs should ideally make Darling loathe America yet hers is a closed deal and she cannot look back. This state makes America not as desirable as Darling makes it appear when she dreams about it while still in Paradise. Personification beautifully deployed by Bulawayo helps the reader to get a clear picture of what the protagonist has to endure. In 'ironing her pride' for instance, lies her resignation to whom she has become, an illegal migrant in America. This illegality of her no longer makes America, 'her America' as she fondly refers to it, that desirable.

Darling earns so little yet has to send it back home through Western Union or Money Gram as a way of looking after her family. Constant messages from home keep such illegals busy working like dogs, slaves, and mad men yet messages saying Hunger, Help, and Kunzima keep coming in. The irony is that there is more money to send home than what they can earn yet those relatives keep mocking them for working hard to which Darling smiles, knowing that they will never understand the pain she endures to afford the alleged little money. This makes working far away from home such an unrewarding venture.

Darling and her fellow illegals keep in a constant fight to take pictures in fancy places like the White House, lady Liberty, Niagara Falls, and Times New Square and then send them home, "showing off a country that would never be ours." (Bulawayo.245). In these pictures,

the motivation for sending them is never written about “because that is an inheritance which you achieve and have no wish to share.” (Saidi. 2000) when such pictures stir the desire of their relations to come to America, she doesn't stop them, she like many other illegals sends money for visas and tickets for the youth itching to join the American dream. In the end, Darling's work in America benefits everyone else except herself.

Waves of nostalgia sweep Darling off her feet very often like when people from Zimbabwe go to America especially workers like her, she immediately wants to establish how the earth smells like right before it smells, how it smells after the rain, the news about their land whether big or small and how after the rain flying ants explode from the ground like fireworks. In missing her home, she asks about particular people like the crazy Prophet Revelation Bitchington Mborro and places like City Hall, as well as the Jacaranda trees that line the streets in town. The greatest of them is that she longs to see the elderly faces of her people from which she can understand whether life has been kind or unkind to them, during her absence.

The most painful event that happens to her is the inability to name her children after herself or her other relatives. This she does so that they do not fail to pronounce their own names in the future, also that their friends and teachers do not fail to pronounce their names in class as well as ensuring that these children can find belonging. She gives her grandchildren names that mean nothing like Aaron, Coley, Jack, and Kathleen. She also does not bury their umbilical cords under the land to bind them to the land because she has no land of her own. She does not hold her children's heads over smoking herbs to make them strong, does not tie fetishes around their waists to protect them from evil spirits, and does not even spill tobacco on the earth to announce their arrivals because she of her being in a completely different setting where some of the requirements are not available. This pain still lies in her inability to tell her children what to do as new parents as a way of orientation.

Darling, like many illegals in America, painfully watches herself as transitions through whom new generations are brought forth in America. She helplessly watches painfully her children sham listening to stories from their motherland in favor of being on their computers



and giggling all day. She accepts many facts like not being able to draw blood and teach raw lessons to last her children a lifetime. ‘When those children became young adults, they still do not seek approval to marry, their parents do not get the bride price and gifts. They do not spill beer and tobacco on the earth and cannot even beat drums to thank their ancestors. ‘That they live independent lives with no need for their parents’ advice only leaves Darling with a feeling of uselessness which is in turn explained by the way she and other aging illegals are sent to nursing homes to live at the mercy of strangers. This state transmits into searing pain as Darling realizes that she will never be mourned properly on her demise for;

They will not go mad with grief, they will not pin black cloth on their arms, they will not spill beer and tobacco on the earth, they will not sing till their voices are hoarse.

They will not send us away with mphafa trees. We will leave for the land of the dead naked, without the things we need to enter the castle of our ancestors. Because we will not be proper, the spirits will not come running to meet us, and so we will wait and wait and wait - forever waiting in the air like flags of unsung countries. (Bulawayo.250)

I argue that this sad anticipation of not getting a befitting burial and the fear of not crossing over to the land where her ancestors find rest causes Darling to question if at all the price, she pays in enduring all the heartache that comes with being an illegal migrant in America is not enough to let her soul finally rest in peace. Her question is relevantly answered by Saidi who states that “the achievements of exile are permanently undermined by the loss of something left behind forever and like death it has torn millions of people from the nourishment of tradition, family, and geography.”

## CONCLUSION

In the discussion above, it is clear that Darling leaves her home and moves to America – Detroit Michigan with a promise so beautiful and real. In leaving, she thinks she finally leaves the trappings of pain and misery behind her which is not the case as evidenced by the many terrible reasons already discussed. The horror of the life she leads in

America gives her all the reasons to refer to her place of residence As 'Destroyed 'and not Detroit Michigan because it is responsible for the brokenness she now endures which endurance she has to carry forward even to her afterlife considering the fact that her incomplete burial will not ensure her safe transition to the land where her ancestors now rest. Darling indeed, exchanges a life of hardship where she was happy for a life of counter misery where she is not only pained but also frustrated. To Vaso, Darling's internal exile results from the incongruity between her inherent nature and the requirements of the external exile. (P.5) This paper therefore is a demonstration of the old adage which says that 'all that glitters is not gold' which Darling discovers rather too late in Bulawayo's novel, *We Need New Names*.

## REFERENCES

Arnett, James (2016). "Taking Pictures: The Economy of Affect and Postcolonial Performativity in NoViolet Bulawayo's *We Need New Names*". *Ariel: A Review of International English Literature*.

Bulawayo NoViolet, *We Need New Names* 2014.

Carmen Concilio, *Paradigms of Migration: The Flight and the Fall in We Need New Names* by NoViolet Bulawayo, 2018.

Cobo-Piñero, M. Rocío. "From Africa to America: Precarious Belongings in NoViolet Bulawayo's *We Need New Names*." *Atlantis*, vol. 40, no. 2, AEDEAN: Association Española de estudios anglo-americanos, 2018, pp. 11–26.

*Frassinelli, Pier Paolo (2015). "Living in translation: Borders, language and community in NoViolet Bulawayo's We Need New Names". Journal of Postcolonial Writing.*

Lauren Randall, self as religion in NoViolet Bulawayo's *We Need New Names*, Vol.5. 2018, Wright State University.

*Moji, Polo Belina (2015). "New names, translational subjectivities: (Dis) location and (Re) naming in NoViolet Bulawayo's We Need New Names". Journal of African Cultural Studies.*

*Musanga, Terrence (2016). "Perspectives of Zimbabwe–China relations in Wallace Chirumiko 'Made in China' (2012) and NoViolet Bulawayo's We Need New Names". Journal of African Cultural Studies.*

M. Rocío Cobo-Pinero; Nobilities and Afropolitan picaresque in NoViolet Bulawayo's *We Need New Names* (2013)

*Ndlovu, Isaac (2016). "Ambivalence of representation: African crises, migration and citizenship in NoViolet Bulawayo's We Need New Names".*

<https://Theguardian.com/books/2013/jun/20/need-new-names-bulawayo-review>

[https://Wikipedia.org/wiki/History\\_of\\_Zimbabwe#The\\_economy\\_during\\_the\\_1980s\\_and\\_19](https://Wikipedia.org/wiki/History_of_Zimbabwe#The_economy_during_the_1980s_and_19)

# The BRICS, World Bank and IMF Quest to Promote Economic Development of Countries: Is it New Wine in the Old Wine Skin?

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## ABSTRACT

The term “BRICS” represents a group of five emerging economies of Brazil, Russia, India China and South Africa, which started in 2009. These economies have caught the attention of literally everyone--international financial law practitioners, political scientists, countries, international organizations and other stakeholders. The emergency of a unified geopolitical bloc, started to reframe international financial outlook with a new set of new ideas and values. include reforming the global financial and economic architecture, strengthening the principles and standards of international law in many sectors of their economies. The paper highlights prospects and challenges that lie ahead of BRICS countries to fully realize their mandate and to co-exist with the World

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bank and International Monetary Fund (IMF). The World Bank and IMF have supported economic development of countries since their inception, I however do not see any harm posed by the introduction of more capital from BRICS, it should be received with both hands. There are looming prospects for expansion of BRICS, countries like Argentina, UAE, Mexico, Algeria and Saudi Arabia have indicated their desire to jump on BRICS bandwagon, the current Russian-Ukraine war remains a big challenge, not least that it has threatened to suck in all BRICS members into this war. The paper finds that as global dynamic challenges continue to mutate, nothing should preclude countries from working together to find lasting solutions to their common challenges. Some BRICs Nations are also beleaguered with high levels of corruption in public offices, they will need to seriously address this challenge, if they are to offer a robust development agenda for emerging markets to supplant the Bretton Wood Institutions. This paper was written, guided by three specific objectives: (i) Examine the rationale for launching the BRICS development initiatives and potential conflict with the World Bank and IMF. (ii) Discuss the mandate of the World Bank and IMF in fostering economic development especially developing countries. (iii) Explore potential areas of conflict between the Bretton Wood Institutions and BRICS to co-exist in their varied development mandates towards member countries. The paper has established that while nothing precludes BRICS offering alternative funding mechanisms to their members, they will need time to fully realize their objectives. Establishment of the BRICS signifies that its high time the World Bank and International Monetary Fund (IMF) have adopted desired reforms, if they are to remain influential today.

## **Introduction**

The BRICS (Brazil, Russia, India China and South Africa) in the quest to provide alternative lending mechanism established the BRIC

Development Bank and other initiatives. The name of the Bank has recently been changed to “New Development Bank (NDB)” which is a multilateral development bank established as a result of the Agreement signed by the BRICS member states (Brazil, Russia, India, China and South Africa).<sup>2</sup> The BRICS Bank was established to provide funding for public and private sector projects through loans, guarantees, equity participation and other financial instruments. The NDB "shall cooperate with international organizations and other financial entities, and provide technical assistance for projects to be supported by the Bank."<sup>3</sup> The BRICS Initiative was formed with the aim of fostering long term development objectives of member countries and beyond. These include not least reforming the global financial and economic architecture, strengthening the principles and standards of international and offer to support fledgling countries achieve economic development. In 2009, the combined GDP of BRICS countries surpassed that of the G 7 countries. Given their financial clout, one wonders whether they can continue to play second fiddle in economic development of their members for long? It is important to note that all BRICS countries are also members of the World Bank and IMF and have all drawn on the resources of these institutions. BRICS countries have stepped up their efforts to enhance their collaboration and cooperation in regulatory and policy areas hitherto performed by the World Bank and IMF.

The World Bank and IMF were established to promote economic development, facilitate private foreign investment, and promote long-term balanced growth of international trade and to provide loans to finance development projects in member countries.<sup>4</sup> The IMF was also to help stabilize exchange rates and provide concessionary loans to countries and it has discharged this mandate to-date. On the agenda at Bretton’s Conference was the proposition to establish a third Economic Organization to coordinate and promote international trade. International Institutions would not only prevent a reoccurrence of war

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<sup>2</sup> See **NDB Official Website,15 July 2014.**

<sup>3</sup> See **NDB Official Website,15 July 2014.**

<sup>4</sup> The World Bank Group was established at Bretton Wood conference in 1944 and is headquartered in Washington, D.C. Detailed information about the World Bank can be accessed at <https://www.worldbank.org/>

conditions but would also promote peace, harmonious relations and economic growth.<sup>5</sup> The quest to create ITO alongside the World Bank and IMF stalled because of the disagreements between the United States and developing countries representatives and in the interim GATT (1947) was established.<sup>6</sup>

## Discussion of Theoretical Issues

Theoretically speaking, one can argue that the loans extended to borrowing countries are agreed on unfair terms with lenders and are therefore legally binding on the parties. Fair enough! The reality is that given the vulnerability of the borrower, loans are extended to countries on unfair lending terms devoid of a level playing field between the borrower and the lender. Thus, the dominance of the lender gives him advantage to impose unfair terms on the borrower. The dominance of the World Bank and IMF juxtaposed with vulnerability of the borrower predisposes the latter to accepting loans on poorly negotiated terms on “take or leave it” basis. It must be noted that lack of adequate technical capacity has predisposed developing countries to capacity deprivation, subsequently making them to sign agreements often on unconscionable terms. Developing countries need assistance in core areas where they have struggled to achieve requisite technical capacity. It is high time oversight agencies have appreciated that imposition of regulatory policy measures on countries from the peripheral cannot be the right way forward given the fact that this since model has not been thrifty wherever it has been applied. We therefore argue that desired legal reform programmes should be implemented taking into account conditions of development across countries, not to disorientate development of countries. The World Bank should encourage reforms fostered on the successful models in other countries where they have been introduced and successfully worked. Countries should use therefore comparative law model to promote and adapt desired legal reform programmes that work well for them. For example, driven by

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<sup>5</sup> Ibid, n 4

<sup>6</sup> Ibid, n 4



internal both considerations and international influence due to the forces of globalization, Uganda and Kenya have used comparative law as a mechanism for legal reforms. One relevant example is anti-corruption laws. Nigeria has explored numerous avenues to eradicate corruption through consultations, public hearings, and visits to other countries such as Ethiopia, Zimbabwe, Zambia, and Hong Kong. This effort has resulted in countries having to identify defects in anti-corruption legislation and introducing necessary changes such as unifying their anti-corruption laws. In 1997, the IMF and various Nordic countries suspended aid to Kenya because of corruption violations. Donors asked Kenya to introduce robust reform programmes in many areas to address corruption before they would resume their aid programs.<sup>7</sup> This necessitated Kenya's review of their laws in areas of demonopolization, deregulation, privatization, prosecution and governance of enhanced human rights, accountability, and clarification of rules.<sup>77</sup> Since some of the reforms failed to correct the problems, it was also necessary to review why a law may work in one country, but not in another. This is another important goal of comparative law that is useful in the African context.

The World Bank has instigated many structural reform programmes such as privatization to placate development in member countries. It was promoted on the premise that private sector operations outperform their public counterparts. On the converse, privatization of the market economy undermined delivery of services such as hospital care, ambulance services, care of the elderly, services which are priced what the poor can afford. Many governments abandoned trade protectionism and indirect subsidies (for example, directed lending from banks that the state controlled), the firms' losses and inefficiencies became more apparent. It also needs to be noted that privatization has increased the

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<sup>7</sup> James Williamson and Margaret E. Beare, 'Critical Reflections on Transnational Organised Crime, Money Laundering and Corruption (2005), University of Toronto Press, p. 99. See also Susan Rose Ackerman, "Economics of Corruption in Developed Countries, a Review of Issues", Berkeley: Centre for International and Development Economics Research, February 1996.

cost of accessing basic health services. In negotiating loan agreements, countries in LDCs should have the power to decide areas for privatization and areas that are no go areas (to set red-lines). Whether the pendulum swings in another direction or it does not, the World Bank has done plausible work for which it deserves credit and needs to consolidate but what it mostly needs is a revised mandate reflecting contemporary global changes and challenges. This will enable it to effectively address development challenges of developing countries such as lack of soft loans to ensure that the received financial assistance and other programmes translate into tangible benefits on the ground.

## Discussion and Results

We consulted wide ranging data sources on the World Bank, IMF and BRICS to get to know the mandate of these institutions and why they were established. We noted that in addition to other roles, the World Bank and IMF provides technical assistance to strengthen domestic governance of countries in accordance with the expected international standards. It was noted that both institutions use their resources to give advice and training on Open Data strategies, technology and policy best practices to support client countries and in other areas such as international trade. In the final stages of the World War II, a series of conferences took place to discuss ways of preventing a reoccurrence of the economic conditions that had led to the worldwide depression and the rise of Nazis in Germany. The Bretton Woods institutions were to foster economic development of states and to provide a framework for addressing common development challenges. The World Bank would provide long term assistance to economies in need of financial assistance but would also ensure that the funds disbursed are utilized for the purpose it was sought. The *IMF and World Bank* have also worked together to reduce the external *debt* burdens of the most heavily indebted poor countries under the Heavily Indebted Poor Countries. The 1944 Articles of Agreement of the IMF and the World Bank were adopted a few months before the submission of the Dumbarton Oaks

Proposal establishing the General International Organization--the future United Nations in the same year.<sup>8</sup>

To discern the mandate of these agencies, we carried out a scoping review of primary and secondary data sources such as International legal instruments, case law, books websites, journal papers, policy documents and other scholarly source materials and evaluated it in the context of the objectives for undertaking the study. There was also a wealth of online data sources, which was reviewed and analyzed to undertake this study. We examined the mandate of Bretton Woods and BRICS Institutions and how they can inter-relate with BRICS in pursuit of the varied missions globally. It was noted that the Articles of Agreement of the IMF 1944 limited its mandate to facilitation and expansion of balanced growth of international trade, and promotion and maintenance of high levels of employment, real income and the development of resources of all members as primary objectives of economic policy.<sup>9</sup> Article 1 of the Articles of Agreement prescribes the purpose of the IMF as basically twofold: first, to promote International cooperation through permanent institutions which provides the machinery for consultation and collaboration on international monetary problems. Secondly, the IMF was to facilitate expansion and balanced growth of international trade, and towards promotion of high levels of employment and development of productive resources of all member countries. Article IV of the Article of Agreement provides that: the bank and its officers are not allowed to interfere in the internal affairs of any member; nor are their decisions to be influenced by the political character of the member(s) concerned.<sup>10</sup> We noted that the foregoing

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<sup>8</sup> The Articles of Agreement of the International Monetary Fund were adopted at the United Nations Monetary and Financial Conference (Bretton Woods, New Hampshire) on July 22, 1944. They were originally accepted by 29 countries and since then have been signed and ratified by a total of 190 Member countries and it has been amended seven times.

<sup>9</sup> **NDB Official Website, 15 July 2014**

<sup>10</sup> Before 1945 there was international no monetary system. States and their enterprises traded within one another, currencies were exchanged, and states held monetary reserves—in gold, silver and foreign currencies. By the dawn of the second World II no international legal regime governed the conduct of state.

provision was adopted to prevent the Bank from discriminating against any member given that there are different countries of different political shades and ideologies which constitute membership of the World Bank. The Articles of agreement also mandates the IMF to impose legal obligations on member states not to engage in inward looking practices that had contributed to the great depression of early 1930 and the World War II. The initial mandate of the World Bank (IBRD)<sup>11</sup> was limited to promotion of long-term balanced growth of international trade and maintenance of equilibrium in balance of payments in order to assist its member countries raise productivity, the standards of living and conditions of labour in the territories.<sup>12</sup> It is noted that the World Bank list of borrowing countries comprises largely of developing countries and former communist governments. Even though the facilities of the IMF are made available to all member countries, very few of OECD countries have been subjected to conditionalities.<sup>13</sup> Structural Adjustment Programmes (SAPs) were designed to remove underlying conditions for underdevelopment. SAPs would strengthen economies by addressing economic policy failures, minimize risks and uncertainties invariably faced in form of systemic risks.<sup>14</sup> Since this study sought to establish the impact of BRICS on the World bank and IMF, it was necessary to review wide ranging sources materials to delineate what these institutions do, their mandate and how they are likely inter-relate with this new geo-political bloc.

### **(a) A Snapshot of the Brics today**

We noted that in the prevailing economic and political climate in most BRICs Nations, the pendulum may not be about to swing yet. Russia is

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<sup>11</sup> IBRD Articles of Agreement, Article 1(iii), and see also Andreas F. Lowenfeld, *International Economic Law*, International Economic law series, (2003) Oxford University Press, p 502

<sup>12</sup> Margret E. Beare, 'Critical reflections on Transnational Organised crime, Money Laundering, and Corruption, (Toronto University Press 2005): p. 107

<sup>13</sup> Heather Margret, 'Corruption, Politics and development: the Role of the World Bank (2003), available at <http://www.worldbank.org> (accessed 20<sup>th</sup> December 2009)

<sup>14</sup> *Ibid*, n 11

entangled in the Ukraine War (in which it is trying to suck in other BRICS), China is trying to stave off a big slow down, and India, while still of interest to global investors, is struggling to put through the economic reforms that would help it reach its full potential. South Africa has been beleaguered by corruption allegations and political discontent within the ruling ANC under President Jacob Zuma. According to Jim O’Neill (former Goldman Sachs chief economist), the BRICs have quietly closed down its BRIC fund, which had lost 88% of its asset value since 2010, and folded the BRIC investments into its larger emerging market funds. The BRICs nations, what had been hoped would be an alternative regulatory paradigm in emerging markets to Bretton Wood Institutions have been faring badly.<sup>15</sup>

We also noted that there are economic asymmetries among the BRICS countries; while Brazil and China are at the forefront of developing financial market regulation to address environmental and social risk; India and Russia are yet to achieve greater change in this industry. South Africa lacks a robust infrastructure which when coupled with lack of requisite technical capacity makes it less likely to dispense with the World Bank technical and financial assistance. For example, SA lacks robust centralized data registries to process and disseminate data. This makes countries vulnerable to risks and cannot harness robust global regulatory regimes. In banking regulation, South Africa lacks requisite capacity to thoroughly risk assess potential bank clients and achieve a high level of prudence in dealing with banking stakeholders. There are also other challenges such as human rights violations, high levels of illiteracy in SA largely as a result of apartheid policy and prevalence of incurable diseases which have eviscerated requisite capacity development in the majority of LDCs.

## **(b) World Bank and IMF**

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<sup>15</sup> BRICS website at <https://brics2023.gov.za>

We noted that to promote meaningful economic development of member countries, the World Bank and IMF have gone an extra length to reduce external debt burden of countries, under the so-called "Heavily Indebted Multilateral Debt Relief Initiative (MDRI). These initiatives were included to enhance assistance to low-income countries achieve their development goals while reducing future debt burdens on those countries.<sup>16</sup> In 1999, the IMF and the World Bank launched the Poverty Reduction Strategy Paper (PRSP) approach as a key component of their HIPC Initiative to support concessional lending by the Fund and the Bank. The IMF streamlined its requirement for poverty reduction documentation for programs supported under the Extended Credit Facility (ECF) or the Policy Support Instrument (PSI). They have also instigated the implementation of robust policy measures against financial sector abuse by promoting stronger financial, economic and legal systems within member countries.<sup>17</sup> The World Bank and IMF have encouraged financial sector reform programmes, adoption of robust supervisory standards and legal and institutional frameworks to address financial sector abuse in a member state. The International Monetary Fund Surveillance mandate under Article IV of the Charter of Agreement involves intensive exchange with each member country on its economic and financial systems. The IMF is well resourced to undertake monitoring of countries economic and legal systems of countries; and to identify potential vulnerabilities and to offer advice and corrective policy measures to those countries. The IMF has adopted many initiatives to strengthen the financial stability and to prevent global crises.<sup>20</sup> For instance in 1999, the IMF and the World Bank adopted Financial Sector Assessment Programmes (FSAPs) as a mechanism for inquiring into the financial health and stability of member countries. The foregoing mandate also includes securities, money markets, foreign exchange and payment systems, assessing regulatory, supervisory and legal framework of financial institutions. It

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<sup>16</sup> For detailed reading on the countries which fall under Heavily Indebted Poor Countries initiatives, see the IMF website at: [www.if.org](http://www.if.org) (accessed 22<sup>nd</sup> June 2016).

<sup>17</sup> Andreas F. Lowenfeld, *International Economic Law*, International Economic law series, (2003) Oxford University Press, p 500

is the regulatory assessment programme that helps the Bank to diagnose vulnerabilities in the system and devise corrective measures to address them.

The IMF and the World Bank have promoted economic development of member countries since they were first established in 1945.<sup>18</sup> Through its economic surveillance and monitoring of the world economies mandate, the IMF seeks to control national monetary policies. The IMF facilitates national authorities with assistance to strengthen their supervisory and regulatory capacity, which in turn helps to promote the safety and soundness of the financial sector and to create an environment that prevents financial system abuse. In order for states to attract Foreign Direct Investment (FDI), they are required to adopt a robust legal system that guarantees the interests of investors. The International Monetary Fund (IMF) and the World Bank impose conditions on many countries so that they demonstrate a realistic effort to internationalise their economies. Countries will have to implement the Basle Capital Accord in order to qualify for financial assistance and as part of IMF Financial Sector Assessment Programmes (FSAP) and World Bank Financial Sector Adjustment Programmes (FSAP). As part of the package of financial sector reform programmes in less developed economies, global institutions monitor observance of international standards, codes, and best practices in areas of financial supervision, prudential regulation, transparency of fiscal and monetary policies, and data provision and dissemination in order to foster financial and market integrity.<sup>39</sup> Therefore, international financial institutions have encouraged adoption of laws and systems to achieve desired changes within member countries.

The World Bank has supported member countries to identify and correct structural and institutional policy failures, preventing financial market abuse and in addressing other challenges as and when they become apparent from time to time. The World Bank and IMF participate in targeted international efforts to instill financial market discipline within member countries from time to time. The World Bank

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<sup>18</sup> Margret, note 12

and IMF have also worked with countries to develop strong economic, financial and legal foundations to reinforce their ability to counter financial sector abuse. The World Bank has assisted countries in reorganizing their customs, institutions; developing transparent and effective treasury departments, spearheading procurement and adopting desired audit reforms. These institutions have also promoted public education efforts and training programmes in investigative journalism, accounting and auditing using the international community support fund operated by the World Bank.<sup>19</sup>

The World Bank has instigated reforms to strengthen legal, judicial and institutional capacity, corporate governance, accounting and auditing and market transparency.<sup>20</sup> The Bank focuses its efforts especially in small states, which are vulnerable to potential financial sector abuse by putting in place the policy and institutional foundations specifically designed to reduce this risk. In relation to money laundering, the Bank supports legislation to do away with anonymous banking accounts, improvement of the ‘Know Your Customer mandate’, modification of secrecy legislation to verify implementation of the Know Your Customer requirement; and implementation of anti-money laundering regimes. The World Bank has also encouraged and supported the adoption of banking laws and regulation, tax laws and regulation, development of financial management through proper accounting and auditing systems, legal and judicial reforms for policy led lending as well as reforms relating to economic and development issues. In supporting desired reforms, the Bank established Institutional Development Fund to provide grants for projects such as “the preparation of new legislation, public procurement and associated training, or the carrying of studies, which diagnose the problem of civil service or the judiciary.”<sup>21</sup> We contend that less developed countries

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<sup>19</sup> In 1998 the IMF and World Bank wrote off UGX 2.4 trillion (\$650million) to Uganda. However, this was just a drop in the Ocean given Uganda debt stock rose from UGX 37.2 (\$ 10.2 billion) in December 2017 to UGX 42.7 trillion as of December 2018.

<sup>20</sup> See the report “Strategy for the Financial Sector: Draft Report (R2000-169) August 19, 2000”, in a paper by the World Bank Board of Executive Directors on 19<sup>th</sup> October 2000. It is available at [www.worldbank.org](http://www.worldbank.org) (accessed on 20<sup>th</sup> December 2007).

<sup>21</sup> Lowenfeld, note 12



should be given financial support in form of grants and not loans to support the development of an effective infrastructure which is non-existent as of now. At the moment a one-size-fits-all approach plays in favour of developed countries which are naturally endowed with an environment where the envisaged AML/CFT standards can be easily implemented.<sup>22</sup> The World Bank supported reform programmes are resented in some countries as intrusive and paternalistic of national economies as they are introduced through the back door of lending conditionalities. In the World Bank's view, structural adjustment reform programmes are essential to strengthen institutional capacity to ensure that economies are properly managed.<sup>23</sup>

The World Bank has spearheaded development programmes in several areas to ensure that there is a conducive environment for good governance and economic development of member countries.<sup>24</sup> The World Bank has worked with other agencies such as the IMF to promote good governance and to facilitate desired policy changes in borrowing member countries.<sup>55</sup> Good governance includes promotion of transparency and accountability in stakeholder countries to ensure that borrowed funds are properly utilised.<sup>56</sup> Although the World Bank has a limited mandate<sup>57</sup> to enforce the application of the required laws or norms in a member country, it nevertheless ensures that soft law obligations are applied to stem the problem of corruption. In 1997 to demonstrate its commitment to fighting corruption, the International

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<sup>22</sup> Mugarura Norman, *The Global Anti-Money Laundering Regulatory Landscape in Less Developed Countries*, (Ashgate 2012): pp. 337. Under the existing Fund policies, anti-money laundering issues other than those relating to financial sector regulation and supervision are covered under surveillance and conditionality, as with other governance matters. See the 1997 Guidance Note on Funds Experience in Governance Issues (Executive Board Meeting 01/14 February 2001) available at [www.imf.org](http://www.imf.org) (accessed on 26<sup>th</sup> April 2007)

<sup>23</sup> Lowenfeld, note 12

<sup>24</sup> P. Van Dijk en G. Faber (eds.) *Challenges to the New World Organisation* (The Hague: Kluwer Law International, (1996), pp. 13-16).

Monetary Fund went as far as warning member countries that funding could be withdrawn unless they adopted measures against it.<sup>25</sup>

In 1992, the Bank issued a report on good governance and development in which it established that good governance was central to creating and sustaining an environment, which fosters strong, equitable development and good economic policies.<sup>26</sup> This marked a change in attitude towards corruption and henceforth the Bank would address corruption as a governance challenge to be addressed by a country.<sup>27</sup> The World Bank has since expanded its mandate to include fighting corruption under its flagship programme on good governance and promoting public financial management.<sup>28</sup> It has supported more than 600 lending and nonlending activities in approximately 90 countries aimed at placating institutional reforms needed to reduce corruption and strengthen governance. These include, for example, adaptable programme loans and technical assistance operations designed to enhance capacity and reform incentives in the civil service (including employee of financial regulatory service), reforms in public sector, management systems; and in tax and customs administration, strengthened legal, judicial and regulatory reforms as well as encouraging reforms to establish mechanisms for combating public sector corruption.<sup>29</sup>

In 1995, the World Bank enacted internal staff rules, requiring annual financial disclosure of all assets and financial transactions by senior staff, disclosure of adverse family interests that affect the World Bank's dealings, and provides guidelines for how employees are to behave in

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<sup>25</sup> Ibid, n27

<sup>26</sup> See, worldbank at <https://elibrary.worldbank.org>.

<sup>27</sup> To date, debt reduction packages under the HIPC Initiative have been approved for 36 countries, 30 of them in Africa, providing \$76 billion in debt-service relief over time.

<sup>28</sup> Ibid, n 12

<sup>29</sup> William, Holder, "The international Monetary Fund's Involvement in Combating Money Laundering and Financing of Terrorism", (2003), 6(4) *Journal of money Laundering control*, p 383

their dealings inside and outside of the World Bank.<sup>30</sup> The IMF provides advice and technical assistance on governance in areas within the IMF mandate and expertise (mostly legal and institutional reforms), collaborating with other institutions particularly the World Bank, to coordinate their complementary areas of expertise.<sup>31</sup> It does this by assisting member countries economic policies through building policy making institutions and improving accountability of the public sector. There is no doubt that the World Bank has played a plausible role in promoting an environment of good governance within member countries.<sup>32</sup> The Bank has used sanctions regime as a quasi-judicial administrative process to adjudicate instances in which individuals or companies may have engaged in sanctionable misconduct in relation to the World Bank-financed contracts. Under the Bank's guidelines, such misconduct includes fraud, corruption, collusion, obstruction, and coercion. The World Bank does not have any power to impose criminal or civil sanctions on member countries—this is in exclusive jurisdiction of domestic countries. Instead, the Bank's primary method of sanctioning entities is debarment, making the individual or company ineligible to receive contracts financed by the World Bank for a stated period of time. As noted, individuals or companies debarred by the World Bank may also be subject to cross debarment by other multi-development banks. The World Bank may also sanction entities through a Negotiated Resolution Agreement (“NRA”), which is negotiated between and the sanctioned entity. Under the World Bank sanctions system, the Bank identifies and investigates matters of alleged misconduct.

The World Bank's mandate includes, among other things, to provide long term infrastructural development, technical assistance and

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<sup>30</sup> Worldbank website, n 22

<sup>31</sup> Holder, n 27

<sup>32</sup> For more detailed information on the banks governance, anticorruption, and public sector reform programs, See *Helping Countries Combat Corruption: Progress in the Bank since 1997*, September 2000, and *Reforming Public Institutions and Strengthening Governance: a World Bank Strategy paper*, November 2000, available on the world bank website at <http://www.worldbank.org> (last visited on 20 December 2008).

corrective reform programmes in many developing countries.<sup>33</sup> The World Bank and IMF have also provided financial assistance to placate development in borrower countries. Loans are sought from the World Bank and other donor agencies by countries to meet their development and recurrent budget shortfalls. The loan-based assistance, depending on its size has undermined economic development of recipient countries but the reality is that they are still perform a pivotal role in economic development of economies and they are not about to fizzle away just because a new geopolitical bloc has come up. Secondly, we propose that least developed countries should be assisted in grants and loan on favourable trade terms.<sup>34</sup> There is anecdotal evidence that the loans-based assistance to countries has frustratingly failed to improve the plight of recipient countries for a long time, which does not reflect well on their importance to stimulate development in poor countries.

### **(c) Is the pendulum about to swing yet?**

We were able to deduce from the reviewed literature that economic stagnation, among other things, in many developing countries was the precursor for emergence of BRICS to establish possible alternative funding mechanisms to placate fledgling less developed economies.<sup>35</sup> The BRICS NDB has been accused that it is a clone of the World Bank and IMF using their initiatives to scramble for markets in Africa, Asia and other countries. China has become Africa's largest trade partner, and Africa is now one of China's major import sources and fourth largest investment destination. There have been initiatives such as "Forum on China-Africa Cooperation (FOCAC)" designed to bring together China and African leaders to discuss important economic

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<sup>33</sup> See, worldbank website, note 21

<sup>34</sup> Ibid, n 27

<sup>35</sup> More information on establishment of BRICS can be found at [https://economictimes.indiatimes.com/opinion/et-commentary/brics-bank-should-not-be-a-clone-of-imf-or-world-bank/articleshow/38473201.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](https://economictimes.indiatimes.com/opinion/et-commentary/brics-bank-should-not-be-a-clone-of-imf-or-world-bank/articleshow/38473201.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst), accessed 15<sup>th</sup> April 2020.

issues.<sup>36</sup> Developing countries are increasingly forging co-operation in ways that seek to displace the dominance of The World Bank and IMF in developing countries. The fastest growing countries such as China and India have demonstrated that they cannot play second fiddle in areas of international trade and regulation of markets for long. For instance, the sixth BRICS Nations have established a New Development Bank and reserve currency pool that brought their co-operation to fundamentally new heights.<sup>37</sup> At the G20 meeting in Brisbane, the group announced the creation of a temporary board of directors for the bank, the head of which will be appointed prior to the organisation's seventh summit, to be held under Russia's chairmanship. As noted in the preceding sections of this paper, the BRICS countries have already established a New Development Bank to extend loans, guarantees and to mobilise resources for infrastructure and sustainable development projects of Least Developed Countries.<sup>81</sup> It is worth noting that from the outset, the BRICS committed to the adoption of transparent processes, environmental and social policy measures to ensure stability of markets. These measures would help communities become involved in the development projects, invest in schemes that communities actually want, and ensure that its investments benefit the most marginalised people. The bank's rules have proposed to prohibit investment in activities that would cause, contribute to, or exacerbate human rights violations. It should promote human rights protection in all of its activities and avoid or mitigate its adverse impacts.<sup>38</sup>

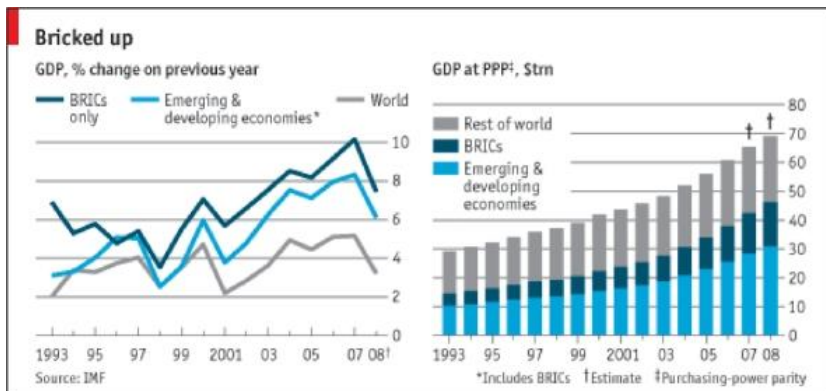
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<sup>36</sup> At the recent African Summit held in Africa between China and African Leaders, China pledged \$60billion to Africa and which is normally given on generous terms.

<sup>37</sup> *The Times Higher* 20<sup>th</sup> June 2012. Jim O'Neill, the then Chairman of Goldman Sachs Asset Management, coined the term BRICS in 2001 which refers to Brazil, Russia, India, China and South Africa. O'Neill suggested that the four rapidly developing countries would lead world policymakers to rethink their relationship with emerging markets in international trade and services

<sup>38</sup> Too often communities have been displaced by infrastructure projects, inadequately compensated for the losses they endure, and pushed further into poverty.

The World Bank Group's private lending arm (the International Finance Corporation (IFC)), has been criticized for ignoring adverse human rights impacts of its activities. While IFC is taking steps to address the foregoing problem, very little progress has been made and it still has a long way to go. BRICS countries have embarked on improving their collaboration and co-operation in regulatory and policy areas. They have now surpassed the G 7 countries in terms of Gross Domestic Product and coupled by the influence of China on the World stage, the status quo cannot remain the way forward. Graph 1 here below offers insights into the BRICS Nations GDP and how it compares to the rest of the World.



**Graph 1** taken from the economist Magazine of 20<sup>th</sup> June 2009

BRICs have initiated a number of practical projects, the New Development Bank and the reserve currency pool of \$200bn of combined financial capital. New opportunities for joint lending will make it possible to expand trade and investment ties within BRICS. Members of this group have helped prepare a project to protect the Russian internet. The project is less concerned with cyber espionage than with fears that the Russian section of the internet could be closed down or subject to cyberattacks intended to disrupt it. The project has been given added impetus by proposals from British officials in August that sanctions could lead to Russia being disconnected from the

international payments system, Swift. So far, there are a total of 23 forums for joint work within the BRICS countries. These include regular ministerial level meetings, including the heads of diplomatic and financial departments, as well as the leaders of national security councils and ministries responsible for general economic development, industry, agriculture, health care and education. The annual BRICS summit is preceded by an academic forum where members of think-tanks formulate priorities for the group, later presented to national leaders. There are councils representing group commercial interests in BRICS markets. There is a wide range of BRICS initiatives, but the gulf between ideas and implementation is wide. “It is clear the political will of the participating countries’ leadership has yet to materialise.”

The BRICS Nations have instituted a regulatory framework to deal with sustainability challenges—an issue which the IFC (lending arm of World Bank) has been accused of overlooking when lending to member countries. They have developed initiatives such as the issuing of Green Credit Guidelines by the China Banking Regulatory Commission and the Brazil Central Bank resolution requiring mandatory environmental and social policies for all banks under its jurisdiction show that some key BRICS countries are taking significant steps to address concerns the World Bank and IMF have not taken seriously. They have adopted benchmarks to assess the Environmental and Social Risk (ESR) caused by risk of default in credits or other financial instruments due to environmental or social events. They have adopted other measures to reduce exposure to ESR risks, for example, by introducing a consideration of these risks into the standard credit risk process, to reduce adverse environmental and social impacts and encourage long-term investment resilient to ecological and social systems. While it is still too early, it is plausible that BRICS nations have created initiatives to ensure that decision makers in emerging economies increasingly recognize the role of financial actors on environment social impact on the society.” At the global level, the BRICS are also joining forces for new multilateral initiatives such as the recently established New Development Bank (also known as the “BRICS Development Bank”), with further opportunities to pursue sustainable finance at a global

level.<sup>39</sup> The BRICS nations could complement the World Bank in facilitating economic development of countries to ensure loan-based assistance helps to improve the standards of living of recipient countries. In my view the BRICS Bank should complement the World Bank by plugging funding shortfall and addressing other developed challenges in some countries. For instance, China has committed \$75bn (£48bn) on aid and development projects in Africa in the past decade. Though still less than the estimated \$90bn the US committed over that period, countries tend to find Chinese soft term loans and its less paternalistic approach endearing. While aid from OECD countries has stagnated or been dwindling due to constrained budgets and an increasingly skeptical public, China has stepped it up. While one may argue that China commits huge financial resources in Africa because of its thirst for natural resources and investment projects, others argue that it desperately needs to build good will and influence in the continent.<sup>89</sup> It is not clear how far, in the long run, the BRICs will be affected by a big rise in the size of the government and large state-owned firms.

BRICS Countries will need to adopt robust anti-corruption measures in order for their development agenda not to get derailed. Since the late 1990s, a number of empirical studies have been carried on corruption in emerging markets and they all point to the fact that corruption derails economic development of countries. Corruption flourishes in an environment where legal institutions and the rule of law have broken down, dysfunctional and not able to foster desired anti-corruption policy environment. The causes, consequences of corruption, and the solutions to reduce it, tend to be intertwined. There is a correlation between the effectiveness of legal institutions and their effectiveness on the law to fight corruption, money laundering and other forms of financial crimes. We argue that a country is as developed as it is its legal system such that the more developed a legal system of the country is, the more effective it is, in terms of safeguarding against corruption and

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<sup>39</sup> It was based on a study carried out in 2014 focusing on decision-makers from central banks, private, development and state-owned banks, banking associations and regulators in the BRICS countries



other forms of crime. Thus, future research studies will focus on understanding the nexus between corruption and its economic development of countries.

## CONCLUSION AND RECOMMENDATIONS

The paper has evaluated the mandates of the World Bank and IMF and how these institutions have extended financial and technical assistance to member countries since 1945. It was evident that financially assisted (recipient countries) have been getting poorer with no significant impact of the funds received. These agencies will need to undertake further reforms especially in fighting corruption and other forms of human rights violations—these two evils combined have derailed the ability of developing countries to achieve their development goals. They should also step up their role in promoting good governance, facilitating education and research initiatives in member countries as they are essential linchpins for economic development of countries. Introduction of World Bank, IMF policy measures should be preceded by global-wide consultations to ensure they are properly aligned in member countries. Member countries should be consulted and where possible co-opted in all preliminary meetings through which reform programmes are agreed before they are introduced formally into countries. Lack of adequate representation of constituent member countries in evolution of regulatory regimes undermines cooperation of some member countries in implementing engendered regimes. The constitution of AML/CFT Committees should be broad enough to represent participating countries. This can potentially help to ensure that engendered regulatory rules are elevated to the status of customary international law in the long run.

BRICS countries and prospect of more expansion should be welcomed since their mission is to promote economic development of countries is aligned to the mission of the World bank and IMF. Individual BRICS countries will need to first address institutional and policy failures, fight corruption and stop reckless zeal for wars that derail their mission.

Most BRICS countries such as Brazil and South Africa are currently experiencing low economic growth that can negatively impact their quest to compete with Bretton Woods Institutions.<sup>95</sup> There is less Foreign Direct Investment (FDI) flowing into emerging markets nations due to political turmoil in countries in Russia, Brazil and South Africa. The implications of this shift are striking, because economic momentum demonstrated by BRICS in 2012 has since waned. The challenges to BRICS nations have been fueled by negative economic growth in China—which has hurt big commodity prices in Russia, Brazil and some countries West Africa and the Middle East. China has been the biggest contributor to the global growth since the 2008 financial crisis and what happens there matters more than ever within the global context. It very much looks that the status quo is not about to change and the pendulum is not about to swing yet. The economic challenges faced by the BRICs countries reinforce the need for countries to work together in pursuing their common interests despite its negative externalities on national self-interests for some time. South Africa as well as other African countries are deficient in a robust development infrastructure framework and are susceptible to criminal exploitation.

Based on the current economic and social outlook in the BRICS countries, one can surmise that the pendulum may take some time before it swings yet. Brazil and Russia are in an economic environment of near recession which has been compounded by the fact that the latter is under American and European sanctions because of its intervention in Ukraine. China has been trying to stave off a big slow down since 2014 and India, while still of interest to global investors, has been struggling to institute the desired economic reforms to achieve her full potential. As noted earlier, South Africa has been beleaguered by corruption allegations against the former President of South Africa Jacob Zuma and the current political discontent in the ruling ANC government. This does not augur well for economic stability of the Country. Is it a case of New Wine in an Old wine skin, in a sense that they seem to be duplicating the role of the World Bank and IMF or it is too early to judge? Let us wait and see!

# Youth Aggressive Communication Behaviour During Elections in Uganda: A Case of 2021 Presidential Election

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## ABSTRACT

This study aimed at understanding the aggressive communication behavior of youth on Facebook during elections. The study traced the evolution of communication behavior from public spaces to the rise of mass media and the internet, particularly focusing on Facebook's increasing influence as a political space, to its manifestation in Uganda's electoral process. Guided by the Communication Affordance Theory and Wolfsfeld's Political Contest Model, the study sought to understand how Facebook's affordances shaped youth engagement in electoral activities. The study followed a cross-sectional design to address the heterogeneity of the respondents in the fields of politics and

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social endeavors and employed a mixed method approach. Results show that during Uganda's 2021 presidential elections, there was a significant prevalence of aggressive communication behavior among the youth on Facebook. Cyberbullying, intimidation, and criticism were commonly observed. Recommendations were made to promote youth political engagement, discourage violent behavior, and provide opportunities for youth participation in governance. Aggressive communication was defined as a style where individuals violated the rights of others through verbal and non-verbal means.

**Keywords:** *Aggressive, Communication, behavior, youth, presidential elections, Uganda.*

## BACKGROUND

Facebook has been a significant tool in organizing and preparing the public for election activities (Lee, Diehl & Valenzuela, 2022). It has been particularly utilized by elite youths to inform fellow voters about the electoral process (Kwan, 2021). However, there was limited investigation into youth aggressive communication behaviors on Facebook during Ugandan elections, making this study necessary. The research aimed to explore the aggressive communication behavior of youth on Facebook during elections, its motivations, and its effects.

Historically, the rise of mass media in the 1940s and 1950s impacted political communication, with mass media becoming dominant in the 1980s and 1990s (Casteltrione & Pieczka, 2018; Kümpel, 2020). The introduction of the internet and social media platforms like Facebook in recent years had become crucial in electoral campaigns (Kwan, 2021).

The Communication Affordance Theory guided the study, focusing on how Facebook impacted public communication activities during elections (Majchrzak et al., 2013). The theory explored how technologies provided new affordances, shaping interactions and influencing behavior (Bucher & Helmond, 2016). Additionally, Wolfsfeld's Political Contest Model was applied to understand how new

media, including Facebook, could influence political attitudes and support marginalized groups (Robinson, 2001; Segev & Sheaffer, 2013).

Aggressive communication was defined as a style in which individuals expressed their feelings and opinions in a manner that violated the rights of others, both verbally and nonverbally (Eberl et al., 2020; Chunly, 2019). This study focused on intimidating, bullying, and critical comments made by youth on the Electoral Commission's Facebook page during Uganda's 2021 elections.

In the context of Uganda's 2021 general elections, Facebook played a crucial role in informing and educating the public on electoral processes (Muzee & Enaifoghe, 2020). The ban on public campaigns due to COVID-19 restrictions led to increased reliance on social media platforms like Facebook for political communication (Isilow, 2020). However, the impact of this on youth aggressive communication behavior had not been thoroughly investigated.

## LITERATURE REVIEW

The literature discusses the heterogeneity of political content flows on Facebook compared to offline social networks due to features like loose ties and limited selective exposure based on shared opinions (Kim, 2011; Pew, 2012). Aggressive communication behavior during elections on Facebook is influenced by factors such as anonymity, leading to disinhibition and uncivilized behavior (Rösner, 2016; Suler, 2004; Lapidot-Lefler & Barak, 2012).

Regarding youth engagement, historical examples show how African youth have played significant roles in establishing or overthrowing political structures (Anonymous source). However, political apathy among the youth can be attributed to prolonged political leadership and dynastic politics in some countries (CNN Report, 2015).

Studies reveal that political discussions on social networking sites like Facebook can have both positive and negative effects. It provides opportunities for information exchange and civic engagement, but it also faces challenges of aggressive behavior and cyberbullying among young users (UNDP, 2013; UNICEF).

The aggressive communication behavior of youth during elections can be explained by different models, such as the coerced youth model, revolutionary youth model, delinquent youth model, and youth clientelism model (AP Eneji, 2017). The use of social media platforms has empowered pro-democracy movements, enabling extensive networks and organizing political actions. However, it has also faced government crackdowns (Ojok, 2017).

Facebook's political content flows are more diverse than offline social networks due to unique platform features. Aggressive communication behavior during elections among youth can be linked to anonymity and disinhibition online. Understanding the different models of youth engagement in political violence sheds light on complex socio-political dynamics. Additionally, social media has significant implications for political participation and activism, while also posing challenges related to cyberbullying and harmful behaviors.

While the studies touch on the aggressive communication behavior of youth during elections, there is a gap in understanding the underlying socio-psychological mechanisms that drive this behavior and its potential impact on political polarization and civic engagement. Moreover, the literature fails to thoroughly examine the role of political echo chambers and algorithmic biases on Facebook, which may exacerbate the lack of exposure to diverse viewpoints and contribute to increased polarization. Furthermore, there is limited research on how youth engagement in political violence intersects with online communication behavior and the broader socio-economic context in African countries. Addressing these gaps would enhance our understanding of the complex relationship between social media, political communication, and youth political engagement.

## METHODOLOGY

Our study followed cross-sectional design to address the heterogeneity of the respondents in the fields of politics and social endeavors. It was used because the researcher had limited time and had to collect data at a single point in time. The research approach employed a mixed approach, combining quantitative and qualitative studies to unveil issues related to youth aggressive communication behaviors.

The study population consisted of youth, electoral commission officials, and political leaders, specifically students from Bishop Stuart University, NTC cell political leaders, and Electoral Commission officials of Mbarara District, totaling 40 participants. Purposive sampling was used to select the sample size for the study. In order to conduct this sampling strategy, the researcher purposively selected 30 youth entering Bishop Stuart University (staff and students) that has a Facebook page. Purposive sampling was also used in selecting 5 electoral commission officials and 5 political leaders who acted as informants for the study. Dworkin (2012) reminds us that in qualitative research of the “grounded theory” type, having 25 to 30 participants is a minimum to reach saturation.

The data collected for the study included primary and secondary data. Primary data was collected through interviews and questionnaires administered to the respondents, while secondary data was obtained from the Facebook page of the Electoral Commission and online newspapers covering the election. Content analysis of the Electoral Commission's Facebook page and online newspapers was conducted to analyze attitudinal and behavioral responses. Questionnaires were administered to some youth, and in-depth interviews were conducted on electoral commission officials, political leaders and some youth to gather their perspectives and experiences.

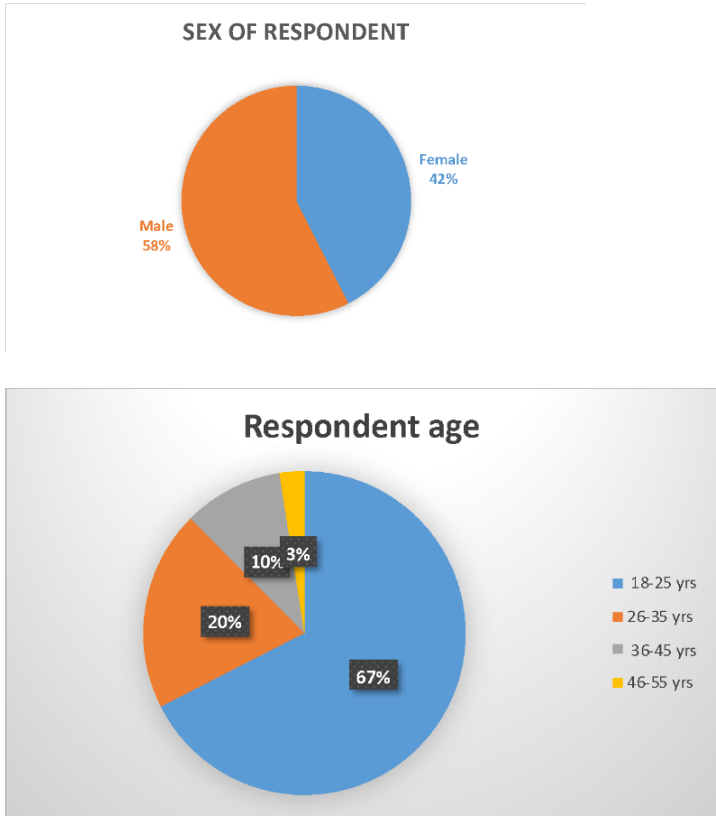
Data analysis involved coding and entering questionnaire data into Statistical Package for Social Scientists (SPSS) version 26 for descriptive analysis. Conceptual and narrative analyses were employed to categorize and interpret the data. The QDA Miner tool was used for content analysis.

Ethical considerations were taken into account, with an introductory letter obtained from the university and informed consent obtained from the participants. Privacy and confidentiality were maintained throughout the study to protect the identities of the respondents.

## RESULTS

The study examined aggressive communication behavior on Facebook during the 2021 Ugandan presidential elections. Data was collected

from 40 respondents, including Bishop Stuart University students (30 students), NTC cell political leaders (5), and Electoral Commission officials in Mbarara District (5). The response rate was 100%, ensuring reliability and validity.



Demographic characteristics of the respondents were analyzed, including gender, age group, marital status, and education level. The majority of respondents were male (58%), aged between 18 and 25 years (67.5%), and single (62.5%). Most respondents had a bachelor's degree (50%).



### Aggressive Behavior

		<b>Frequ ency</b>	<b>Percent</b>	<b>Valid Percentage</b>	<b>Cumulative Percent</b>
Valid	cyber bullying	20	50.0	50.0	50.0
	Intimidat ion	13	32.5	32.5	82.5
	Criticism	6	15.0	15.0	97.5
	Other	1	2.5	2.5	100.0
	<b>Total</b>	<b>40</b>	<b>100.0</b>	<b>100.0</b>	

The aggressive communication behavior witnessed during the elections included cyberbullying as the most common aggressive behavior (50%), followed by intimidation (32.5%) and criticism (15%) and other behavior with 2.5%.

#### Cyberbullying:

Cyber bullying was found to be the most common aggressive behavior with 50% of the respondents intimating that they have ever been bullied or have bullied someone on a political post.

Abusive language and use of emojis were cited

*“Behind the key board, majority of us become bullies. We think we are invisible.” Interview with a youth respondent 2023.*

*“The comments on electoral commission posts are uncalled for and the words used leave you to wonder on the type of leaders we will have tomorrow.” Interview from electoral commission official 2023.*

*“Bad and disrespectful statements are the order of online comments. Interview from a political leader, 2023. She added, “I have always seen posts of cartoons depicting candidates in a disrespectful way.”*

### **Intimidation:**

32.5% of the respondents said they were intimidated. This occurred on either their Facebook posts or on their comments to other posts.

*“You make a comment on a post, and someone in opposition intimidates you with a gun emoji.” Interview with a youth respondent, 2023.*

*“The electoral commission would post schedule of activities, and someone would comment that the officials should look for another country to live in if President Museveni wins” Interview from Electoral Commission Official, 2023.*

### **Criticism:**

15% of the respondents said they witnessed criticism on political posts during the 2021 election time.

*“The electoral commission is an NRM government agency. Nothing good is expected out of their posts.” Interview with a youth respondent 2023.*

*“Majority of the youth responding negatively to the Face book posts of the Electoral Commission are in opposition.” Interview with a political leader, 2023.*

### **Others**

2.5% of respondents agreed that they have experienced other forms of aggressive behavior by the youth on Facebook during election period. The researcher found out that cyber bullying is the most

common aggressive communication behavior that the youth engage in. This was followed by Intimidation and lastly, criticism.

The exerted social influence of other online users and the power of social norms might be another cause of aggressive language use in online communication. According to social influence theories, individuals affect each other's opinions and behaviors in social context and tend to conform to prevalent social norms of a common social group (Masur, 2021; Rösner, 2016).

Specifically, it was found that social networks create opportunities for youth to gather information about politics that allows them to live beyond personal resource constraints. The effect of social networks on participation is contingent on the amount of political discussion that occurs in youth (Masiha, et al., 2018).

In this study, gender analysis showed that boys more often than girls faced aggression from unknown users (respectively: 69.7% and 59.1%) or a group of unknown users (respectively: 13.1% and 10.9%). Girls, on the other hand, more often pointed to aggression on social networks from their real acquaintances.

It should be noted that the answers about the forms of manifestation of aggression in this study did not vary with the socio-demographic and sociocultural factors. At the same time, it is noteworthy that youth with low academic performance and low interpersonal status (single) were noted to experience aggression at higher rates as compared to older/mature counterparts in higher learns.

In order to clarify the features of network aggression, those youths who indicated that they were "victims" of aggression were asked to specify in what form it was expressed. The majority (46.0%) answered that they received personal messages containing insults, ridicule, harassment, and threats. More than a third of respondents (33.5%) indicated that the aggression consisted in public "show-downs" with other users ("holy wars," "flaming," "hating," "trolling,"); 20.5% noted that the aggression was expressed in public posts, containing insults, mockery, harassment, threats, among others.

## RECOMMENDATIONS

Young men and women are typically politically engaged in universities (where permitted), but they are frequently disenchanted with political institutions and leadership and excluded from the development of policy. As a result, youth political activism is not structured into official groups.

The Electoral Commission should support crucial initiatives like pre-election education and mass sensitization in order to discourage the populace, particularly young people, from indulging in violent behavior. This will clear up the public uncertainty, which is frequently exploited by powerful political figures to terrorize voters and provoke violence.

The Government of Uganda should give opportunities to young people to engage in governance and take part in political and decision-making processes. Youth Participation is heavily influenced by the political, socioeconomic, and cultural environments in which discrimination against young people is pervasive due to social norms in many areas of the world.

Political participation can be regarded as both formal and informal participation, both of which should be encouraged in order to maintain a strong and vibrant democracy. Strong evidence suggests that young people globally participate in formal, institutional political processes at a considerably lower rate than elder citizens. Young people become disenfranchised as a result, which calls into question the political system's ability to be representative.

## CONCLUSION

Social media platforms, particularly Facebook, played a crucial role in shaping political participation among the youth in Uganda. The findings

align with the Uses and Gratifications Theory, indicating that young people actively engage with media to fulfill their needs.

## REFERENCES

Abdu, S. D., Mohamad, B., & Muda, S. (2017). Youth online political participation: The role of Facebook use, interactivity, quality information and political interest. In *SHS Web of Conferences* (Vol. 33, p. 00080). EDP Sciences.

Abdu, S. D., Mohamada, B., & Mudaa, S. (2016). New perspectives to political participation among youth: The impact of facebook usage.

Aboagye, E., Kipgen, N., & Nwuche, V. U. (2020). Impact of Facebook on Youth Political Participation in Electoral Processes: a comparative study of Nigeria and Kenya.

Alhabash, S., & Ma, M. (2017). A tale of four platforms: Motivations and uses of Facebook, Twitter, Instagram, and Snapchat among college students?. *Facebook+ society*, 3(1), 2056305117691544.

Apuke, O. D., & Apollos, I. N. (2017). Public perception of the role of Facebook usage in political campaigns in Nigeria. *Informing Science: International Journal of Community Development & Management Studies*, 1, 85-102.

Bossetta, M. (2018). The digital architectures of facebook: Comparing political campaigning on Facebook, Twitter, Instagram, and Snapchat in the 2016 US election. *Journalism & mass communication quarterly*, 95(2), 471-496.

Brennan, J. (2020). Increasing Voter Turnout in Local Elections. *National Civic Review*, 109(1), 16-23.

Casteltrione, I., & Pieczka, M. (2018). Mediating the contributions of Facebook to political participation in Italy and the UK: The role of media and political landscapes. *Palgrave Communications*, 4(1), 1-11.

Chunly, S. (2019). Facebook and political participation in Cambodia: determinants and impact of online political behaviours in an authoritarian state. *South East Asia Research*, 27(4), 378-397.

De Luca, G., & Verpoorten, M. (2015). Civil war and political participation: Evidence from Uganda. *Economic Development and Cultural Change*, 64(1), 113-141.

Dhir, A., Kaur, P., Lonka, K., & Tsai, C. C. (2017). Do psychosocial attributes of well-being drive intensive Facebook use?. *Computers in Human Behavior*, 68, 520-527.

Eberl, J. M., Tolochko, P., Jost, P., Heidenreich, T., & Boomgaarden, H. G. (2020). What's in a post? How sentiment and issue salience affect users' emotional reactions on Facebook. *Journal of Information Technology & Politics*, 17(1), 48-65.

Emily K Vraga, Kjerstin ThorsonKjerstin, Kligler-VilenchikNeta Kligler, 2014. How individual sensitivities to disagreement shape youth political expression on Facebook: DOI: 10.1016/j.chb.2014.12.025

Feezell, J. T. (2018). Agenda setting through Facebook: The importance of incidental news exposure and social filtering in the digital era. *Political Research Quarterly*, 71(2), 482-494.

Feezell, J. T., Wagner, J. K., & Conroy, M. (2021). Exploring the effects of algorithm-driven news sources on political behavior and polarization. *Computers in human behavior*, 116, 106626.

Franziska Marquart, Jakob Ohme and Judith Möller, 2020. Following Politicians on social media: Effects for Political Information, Peer Communication, and Youth Engagement. 2020, Volume 8, Issue 2, Pages 197–207 DOI:

Hadji, A. (2016). Breaking boundaries. The opportunities for using Facebook in civil society networking, activism and civic engagement. Reality check: Assessing the impact of Facebook on political communication and civic engagement in Uganda, 72-88.

Kamau, S. C. (2017). Democratic engagement in the digital age: youth, Facebook and participatory politics in Kenya. *Communicatio*, 43(2), 128-146.

Kasirye, F. (2021). Using Facebook for Political Campaign Communication and its Impact on Political Polarization among Youths in Uganda. *Journal of Public Policy*, 3(9), 17-43.

Kiranda, Y., Mugisha18, M., & Ojok19, D. (2016). Facebook, political communication and campaigning in Uganda

Kümpel, A. S. (2020). The Matthew Effect in Facebook news use: Assessing inequalities in news exposure and news engagement on social network sites (SNS). *Journalism*, 21(8), 1083-1098.

Kwan, J. Y. (2021). 'Democracy and Active Citizenship Are Not Just About the Elections': Youth Civic and Political Participation During and Beyond Singapore's Nine-day Pandemic Election (GE2020). *YOUNG*, 11033088211059595.

Lee, S. S., Lane, D. S., & Kwak, N. (2020). When facebook get political: how perceptions of open-mindedness influence political expression on Facebook. *Facebook+ Society*, 6(2), 2056305120919382.

Lee, S., Diehl, T., & Valenzuela, S. (2022). Rethinking the virtuous circle hypothesis on Facebook: Subjective versus objective knowledge and political participation. *Human Communication Research*, 48(1), 57-87.

Lenzi, M., Vieno, A., Altoé, G., Scacchi, L., Perkins, D. D., Zukauskienė, R., & Santinello, M. (2015). Can Facebook informational use foster adolescent civic engagement?. *American Journal of Community Psychology*, 55(3), 444-454.

Leonie Rösner and Nicole C. Krämer, Verbal Venting in the Social Web: Effects of Anonymity and Group Norms on Aggressive Language Use in Online Comments.

Lie, M. P. (2018). Local newspapers, Facebook and local civic engagement: A study of media use in two Norwegian communities. *Nordicom Review*, 39(2), 49-62.

Mahmood, Q. K., & Saud, M. (2019). Civic Participation and Facebook. In *Proceedings of the 4th International Conference on Contemporary Social and Political Affairs (ICoCSPA 2018)* (pp. 59-65).

Mare, A. (2018). Politics unusual? Facebook and political campaigning during the 2013 harmonised elections in Zimbabwe. *African Journalism Studies*, 39(1), 90-110.

Masiha, S., Habiba, U., Abbas, Z., Saud, M., & Ariadi, S. (2018). Exploring the link between the use of Facebook and political participation among youth in Pakistan. *Journal of Political Sciences & Public Affairs*, 6(1), 1-7.

Michael, Bossetta, 2018. The Digital Architectures of social media: Comparing Political Campaigning on Facebook, Twitter, Instagram, and Snapchat in the 2016 U.S. Election

Mohamad, B., Dauda, S. A., & Halim, H. (2018). Youth offline political participation: Trends and role of Facebook. *Jurnal Komunikasi*, 34(3), 192-207.

Muzee, H., & Enaifoghe, A. O. (2020). Facebook and elections in Uganda: The case of Bobi Wine and the Arua primary elections. In *Facebook and Elections in Africa*, Volume 1 (pp. 195-213). Palgrave Macmillan, Cham.

Oeldorf-Hirsch, A., & Sundar, S. S. (2015). Posting, commenting, and tagging: Effects of sharing news stories on Facebook. *Computers in human behavior*, 44, 240-249.

Ohme, J., Marquart, F., & Kristensen, L. M. (2020). School lessons, Facebook and political events in a get-out-the-vote campaign: successful drivers of political engagement among youth? *Journal of Youth Studies*, 23(7), 886-908.

Omotayo, F., & Folorunso, M. B. (2020). Use of Facebook for political participation by youths. *JeDEM-eJournal of eDemocracy and Open Government*, 12(1), 132-157.

Penney, J. (2015). Facebook and symbolic action: Exploring participation in the Facebook red equal sign profile picture campaign. *Journal of Computer-Mediated Communication*, 20(1), 52-66.

Rösner, L., & Krämer, N. C. (2016). Verbal Venting in the Social Web: Effects of Anonymity and Group Norms on Aggressive Language Use in Online Comments. *Social Media + Society*, 2(3). <https://doi.org/10.1177/2056305116664220>

Saba Munir, 2018: Social media and Shaping Voting Behavior of Youth: The Scottish Referendum 2014 Case.



# Implementation of Biological Diversity Conservation Treaties in China: Focus on the Convention on Biological Diversity and the Ramsar Convention

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## ABSTRACT

Biological Diversity, among its very diverse advantages has been pointed out as key for achieving environmental sustainability. It has however been noted that biological diversity across the globe is being depleted. The international community responded by developing several international treaties for biological diversity conservation, including the Convention on Biological Diversity (CBD) and the Ramsar Convention. China is very rich in biological diversity and is party to the Conventions. In addition, China has in place several laws as well as protected areas to ensure the conservation of biological diversity. This notwithstanding, China still faces biological diversity depletion. This has been attributed to among other factors, over

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population and industrialization. This article therefore seeks to critically analyze the efficacy of the CBD and Ramsar Conventions in ensuring Biological Diversity Conservation. The paper further analyses the extent to which China has achieved its obligations under the conventions. The paper concludes that the treaties, whereas a very good development, have some weakness. In addition, whereas China has done well in meeting its obligations under the treaties, it still faces some challenges. The article among others recommends that China should embrace public participation in ensuring biological diversity conservation. In achieving its objectives, the article adopts the doctrinal method of research.

**Keywords:** *Biological diversity, Conservation, CBD, Ramsar Convention, Protected areas, China.*

## **1. Introduction**

Biological diversity is defined as, “the variability among living organisms from all sources including, among others, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems” (Article 2, Convention on Biodiversity (CBD), 1760UNTS 79; 31 ILM 818 (1992)). Biodiversity and its conservation has very many advantages and is key in attaining the sustainable development goals. It contributes to poverty reduction and to sustaining human livelihoods and well-being through, for example, underpinning food security and human health, providing clean air and water, and supporting economic development (UNEP, 2007).

Protected areas have been employed as a worldwide strategy for biodiversity conservation in all aspects for example diverse ‘species, genes, and ecosystems.’ Countries across the globe, especially developing countries have made improvements in expanding protected areas since the 1960s. This has largely been through legal provisions. Today, there are over 200,000 protected areas ‘covering about 12.7% of the world land mass’. This is in comparison to about 1.5% in the 1960s. This notwithstanding, biodiversity is continuously being

depleted. Marine and coastal biodiversity have been noted to even be more threatened (Lausche & Burhenne-Guilmin, 2013).

Biodiversity, specifically protected areas have been noted to be very stressed out as a result of poor management, pollution, population growth, economic development e.g. mineral extraction, human activity like deforestation and climate change, among others (Lausche & Burhenne-Guilmin, 2013). The global vertebrate population was noted to have decreased by 52% between 1972 and 2010, tropical and temperature species reduced by 56 and 36% respectively and the fresh water ecosystem decreased by 76% (Gaodi, 2015). With the increasing biodiversity depletion, it might become extinct, if proper care is not taken (Lausche & Burhenne-Guilmin, 2013). Given the importance of biological diversity and evidence of its ongoing decline it is essential to chart progress in reducing and, as far as possible, reversing the rate of decline (Secretariat of the CBD, 2010b). This trend of events, coupled with the desire to achieve sustainable biological diversity and conservation has become an issue of international concern. This has attracted global concern, hence development of various International legal instruments on biological diversity conservation, including among many others, the Convention on Biological Diversity (CBD) (1992) and the Ramsar Convention on wetlands of International Importance (Ramsar Convention) (1972) (Secretariat of the CBD, 2010b).

The Asia Pacific region and specifically China, has great variety of biological diversity, including animals, plants, forests, water bodies, among others (Zheng & Cao, 2007). China has been hailed as being one of the most biologically diverse areas in the Asia Pacific region and in the world (Zheng & Cao, 2007). Among the 12 most biologically diverse countries of the world, China ranks the 8<sup>th</sup> (Gaodi et. al, 2015). China is rich in forest cover, grasslands, water bodies as well as plant and animal species. In addition, China boasts of over 30,000 higher plant species, and over 6,347 vertebrate species (Gaodi et. al, 2015). China's biodiversity is however fast being depleted. Foreexample reports and research have revealed that 'China's mammal population

dropped by 50% between 1979 and 2010. In addition, the forest ecosystem mammals have reduced by 78% between 1979 and 2010 (Gaodi et. al, 2015). Moreover, China is estimated to have lost 60-68% of its tree cover and 2, 883 square kilometres of wetlands between 1990 to 2010, most these being ponds/reservoirs and marshes. This has been attributed to several factors which include but are not limited to:

Over-population, economic growth, urbanization, industrialization hence pollution and land degradation (Zheng and Cao, 2007). This status quo is so, despite the fact that China has made effort, in ensuring that the challenge of biodiversity loss is curbed (Lausche, 2013). Among other efforts, China has enacted several laws and policies to ensure biodiversity conservation (Yu and Czarnezki, 2013). In addition, China has built protected areas, has put in place programmes and institutions to ensure and monitor biodiversity conservation and has domesticated international treaties and enacting laws and policies relevant to ensuring conservation of biodiversity (Chen & Zhao, 2019; Jianwei, n.d; Yu and Czarnezki, 2013).

China is a party to the Convention on Biodiversity (CBD) and the Ramsar Convention on wetlands of International Importance (Ramsar Convention). Against this background, this paper seeks to critically analyze the role of international treaties in biodiversity conservation, with specific focus on the CBD and the Ramsar Convention. The paper will specifically aim at analyzing how effectively China has domesticated and implemented the treaties at national level. In achieving these objectives, the paper will employ the doctrinal method of research where laws at the international and domestic levels as well as secondary literature on biodiversity conservation are analyzed. A conclusion is drawn and recommendations are made on how China's situation can best be improved.

## **2. Critical Analysis of International Legal Framework on Biological Diversity and its Efficacy in Biological Diversity Conservation**

### **2.1. The Convention on Biological Diversity (CBD) (1992)**

The Convention on Biological Diversity (CBD) (1760 UNTS 79, 31 ILM 818 (1992) was the first treaty to deal with the issues related to biological diversity in their entirety, at all levels (species, ecosystems and genetic diversity), on a global scale. The CBD has three main objectives which are; biodiversity conservation, sustainable use of its components (species, genetic resources, ecosystems), and fair and equitable sharing of benefits from the use of genetic resources (Article 1) (Puppim de Oliveira & Balaban, 2011). It is the main treaty that identifies protected areas as an important link for achieving its objectives (CBD, article 8 (i)). The recent adoption of the Strategic Plan for Biodiversity (2011–2020) including the Aichi Biodiversity Targets, and acceptance of the Nagoya Protocol on Access and Sharing is an opportunity to develop a concerted global approach to stop and reverse the decline of biological diversity (Armenteras & Finlayson, 2012; European Council, 2001). By adopting the 2010 targets, governments recognise the value of biodiversity. Governments have however largely, not met the Aichi targets (Global Biodiversity outlook 2, 2006).

The CBD recognises the ‘ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic’ importance of biological diversity and recognises that it is being reduced significantly compromised and reduced by human activity (CBD, preamble paragraphs 1 and 6). Recognising that biological diversity conservation is a common concern for human kind, the responsibility to of conserving biological diversity is placed upon states to ensure sustainable use biological resources (CBD, preamble paragraphs 2 and 5). Although preambular, these provisions offer an informative and persuasive element upon countries to ensure conservation. In addition, the CBD recognises and emphasises the need of involving special interest groups like indigenous people and women in conservation, because these groups have been noted to closely deal with the

environment in their day to day lives hence, they possess vital traditional knowledge on conservation (CBD, article 8 (j) and preamble paragraphs 12 and 13; Kabaseke, 2020). The CBD provisions are, however, subject to the domestic legislation of a State, implying that enforcing this provision is subject to State willingness. This makes this provision weak especially seeing as the need for community participation and involvement, especially the involvement of indigenous communities has been emphasised by research and literature (Kabaseke, 2020).

In addition, the CBD places upon States the obligation to develop national strategies, plans or programmes outlining the conservation measures in place, in accordance with the CBD. More so, States are required to incorporate biological diversity conservation and sustainable use into their different ‘cross-sectoral plans, programmes and policies’ (CBD, Article 6). States are further mandated to identify the biological diversity important for conservation and sustainable use especially those that require urgent conservation measures as well those that offer the greatest potential for sustainable use. States are then required to identify the activities which have adverse impact on the conservation and sustainable use of that biological diversity and then organise, monitor and maintain data and activities to ensure that sustainability and conservation is ensured (CBD, article 7).

The CBD further recommends in-situ conservation through the establishment of protected areas, where biological diversity is conserved within their natural habitats and where special measures like specific guidelines and legislation are employed to ensure conservation, especially of endangered species (CBD, article 8, preamble para. 10 and 11). Ex-situ conservation measures, where ‘conservation of components of biological diversity outside their natural habitats’ are recommended as a complement for in-situ measures (CBD, article 9, preamble para. 10 and 11).

States are further required to integrate biodiversity conservation and sustainable use into their national decision making and planning and adopt measures to minimise diverse impact on biological diversity (CBD, article 10). The participation of local populations into biological

diversity conservation is encouraged and where applicable, incentives for purposes of conservation are encouraged. Further, research and training as well as public training and awareness in respect of biological diversity is encouraged (CBD, article 12-13). In addition, States parties are mandated to ensure that Environmental Impact Assessments (EIA) of intended projects on biological diversity are conducted to ensure that biological diversity is not compromised. Further, adoption of the necessary technology for purposes of conservation and preservation of biological diversity is encouraged (CBD, article 16).

The CBD, while it has been noted to be well intentioned has been critiqued for not having been able to curb the significant biodiversity loss (Klein, 2016). CBD obligations have been critiqued for being too general. Implementing nations are still at too much liberty. The CBD uses words like, ‘to promote’ protection, rehabilitation or recovery, or to ‘regulate’ or ‘manage’ processes and activities, the wording gives no real indication of the strength or intended efficacy of the measures exhorted. The lack of direction pertaining to degree of obligation leaves the choice about the level of protection open to the implementer (Wallace, 2015).

Moreover, the CBD is limiting in the extent to which it utilises the principles of precaution, prevention, avoidance which influences the extent of obligation upon contracting parties (Wallace, 2015). Although noting the precautionary principle in its preamble, no binding articles drive precautionary action. As the CBD has developed, the precautionary principle has been applied in a range of additional decisions including marine and coastal biodiversity (CBD preamble para. 8).

Furthermore, the CBD, like many other international environmental instruments, lack implementation mechanisms. It provides that in case of arising disputes, they shall be resolved by negotiation or mediation and arbitration (article 27). Enforcement mechanisms need to be put in place. International Environmental Law (IEL) lacks proper enforcement mechanisms through which to its provisions hence making it ineffective (Kabaseke, 2020). When the law or norms under the law are breached, the sanctions under the law are

weak or nonexistent. As a result, IEL does not usually achieve its intended purpose.

Although alternative/new compliance mechanisms have been and are still being put in place, it has been noted that cooperation and negotiation between states has been encouraged more than following sanctions. Where sanctions and control mechanisms are lacking, laws or rules cannot be enforced (Kabaseke, 2020). This is true for biological diversity conservation under the CBD. The CBD could seek motivation from its Montreal Protocol which provides for sanctions of its non-compliant member for a liable to face penalties like trade sanctions (CBD, article 27). Therefore, whereas the CBD is indeed well intentioned and contains robust provisions for biological diversity conservation, it faces some challenges as outlined about hence poor implementation and hence continued biological diversity depletion.

## **2.2. The Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention) (1971)**

The Ramsar Convention, signed in Ramsar, Iran, in 1971, is an intergovernmental treaty which provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. It is concerned with the most threatened group of habitats, the wetlands (Matthews, 2006). The Ramsar Convention has played an important role in promoting awareness of wetlands and providing technical support to governments for conservation and management of these ecosystems on a sound ecological basis. Wetland conservation (maintenance and sustainable use) and restoration (recovery of degraded natural wetlands) have been high priorities for many countries (Zongming, 2012).

Article 1 defines "wetlands" as "areas of marsh, fen, peat land or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine waters the depth of which at low tide does not exceed six metres" (Ramsar Convention, article 1 (1)). The convention takes an extremely broad approach in its definition. The definition embraces seemingly non



water or wetland resources like ‘mangrove swamps, peat bogs, tidal flats, water meadows, rice paddies, reservoirs, and flooded gravel pits’ (Bowman, 2002: 62). This on the initial look seems confusing. Their inclusion was arguably due to their waterfowl habitat importance, to ensure that other wetland values were not denied and to ensure that developing countries which might not consider waterfowl protection to be of high importance (Bowman, 2002).

In addition, the convention provides that wetlands covered “may incorporate riparian and coastal zones adjacent to the wetlands and islands or bodies of marine water deeper than six meters at low tide lying within the wetlands” (Ramsar Convention, article 2 (1)). As a result of these provisions, the coverage of the convention extends to a wide variety of habitat types including rivers, coastal areas, and even coral reefs (Navid, 1989). There is a general obligation, as noted above, for the contracting parties to include wetland conservation considerations within their national planning. The Convention’s protection, however, is hindered by a lack of strong obligation at the international level and a corresponding lack of rigour in implementation at the national level. The limits of site-based protection are also demonstrated as difficulties in obtaining integrated and consistent protection (Navid, 1989).

Article 3 requires States parties to formulate and implement their planning in order to protect their wetlands, and as far as possible, the wise use of their wetlands. Similarly, article 4 provides that States ‘shall promote the conservation of wetlands and waterfowl by establishing nature reserves on wetlands, whether they are included in the List or not, and provide adequately for their wardening’ (Ramsar Convention, article 4). These provisions have been critiqued as being too general hence vague and weak (Bowman, 2002). This has led to the enactment of more principles and criteria aimed to conserve and promote the wide use of wetlands, leading to fragmentation. This could probably have been avoided with earlier more careful drafting. Article 5 requires that States parties consult each other regarding their obligations which concern wetlands that extend over the territories of more than contracting party. Some notable collaborations include the management

of the Wadden sea which is shared by Denmark, Germany and the Netherlands as well as the Lake Victoria shared by Uganda, Kenya and Tanzania (Bowman, 2002). The Lake Chad basin is another notable example. The need and guidelines for international cooperation was emphasised by the COP 7 held in 1999, in its resolution VII (19).

In addition, States can learn from each through cooperation. Although cooperation has picked up, not all countries have embraced it and this continues to place shared water courses in compromise. Article 6 establishes a Conference of Parties whose major purpose is to review and promote the implementation of the Convention (COP). The COP has been lauded for close to adequately enhancing the provisions of the Ramsar Convention which have been critiqued for having been very loosely, generally and inadequately drafted for wetland protection especially to protect wetlands in light of the current challenges especially in face of climate change (Bowman, 2002).

Moreover, the value of Ramsar to shift or lessen harmful influences is weakened by its failure to adopt active precautionary and preventive language, and by its employment of the term 'wise use' (Ramsar Resolution IX.1 Annex D, 2002). Balancing development with protection and promoting wise use 'as far as possible' is a potential contributing factor to the failure of some state parties to effectively limit wetland degradation, and failure to achieve this balance is exacerbated by the lack of clear guidance in the implementing legislation and associated policy. In addition, a persuasive 'as far as possible' approach driven by the notion of wise dilutes potency and renders aspects of implementation more fluid (Ramsar Resolution IX.1 Annex D, 2002). Moreover, the Ramsar Convention, just like its CBD counterpart lacks implementation mechanisms which make it much harder to have its provisions implanted especially in light of the State Sovereignty principle (Bowman, 2002).

The Convention has further been critiqued for not containing a requirement for States to furnish reports on their progress and although the need for reporting was agreed upon at the first COP of the Convention, not many States comply (Bowman, 2002). Moreover, implementation of the Ramsar Convention at the national level has been opted to still be a challenge for most governments. The Ramsar

provisions have been described as soft and hence promotion of the need to continually coax governments to adopt the Ramsar provisions and mechanisms outlined therein (Bowman, 2002). It has further been observed that the highest Ramsar priority has been for the State parties to have laws or policies domesticating the Ramsar provisions. It has, however, been observed that less emphasis is placed on how these provisions translate into practice at the domestic level. States parties are also required to continually add to their lists of wetlands. It is however observed that the Ramsar institutions only rely on the information provided by the reports and not much follow up is done hence some countries do not list all their wetlands which continues to compromise wetland protection (Bowman, 2002). Effective institutions and management plans for wetlands at national level have been observed to be lacking in many states. Moreover, there is continued lack of political will and technical capacity on most governments to take care of their wetlands in light of their obligations. It has further been noted that Non-Governmental Organisations take the lead in advancing natural resources protection, which effort may not be enough without government support (Bowman, 2002).

### **3. Implementation of the CBD and the Ramsar Conventions in China**

China is one of the most largely diverse countries with over 30,000 species of higher plants and 6347 species of vertebrates, including numerous endemic species and relict species. China began to manifest an awareness of environmental problems in the early 1970's, during the latter stages of the cultural revolution. China is a monist state and although no express provision exists under the Constitution, in practice, international law takes precedence over domestic law (Keyuan, 2010). Provisions of the international treaties that China has acceded to take precedence over the civil provisions of China's law, if the two provisions are different (Article 142 of the General Principles of the Civil Law of the People's Republic of China, 1989) China signed the CBD at the United Nations Conference on the Environment on June 11, 1992. The CBD was approved on 7<sup>th</sup> November, 1992; China ratified

the CBD by signing the instrument of ratification on 5<sup>th</sup> January, 1993. China ratified the Ramsar Convention in 1992 and is also party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) which it signed in 1980.

China has been recognised for putting great effort towards implementation on the CBD (Chen and Zhao, 2019). In a bid to implement the CBD, China has established nature reserves (Zheng and Cao, 2007). There are over 500 nature reserves in existence in China (Guangren, n.d). China also practices in situ and ex situ conservation on biodiversity through establishment of botanical gardens. China also has in place an information system on biodiversity and continues to conduct sensitisations and trainings on biodiversity (Chen and Zhao, 2019; Zheng and Cao, 2007). In addition, in a bid to fulfill the requirements of the UN Environment, China has in place the China Biodiversity Conservation Strategy and Action Plan (2011 to 2030) whose major aim is to ensure implementation of the CBD and to strengthen the conservation of biodiversity in China. Further, the plan is to minimise as well ensure ability to face the challenges that come with biodiversity conservations (China Biodiversity Conservation Strategy and Action Plan (2011 to 2030). Further in 2014, China filed its fifth report on the implementation of the Biodiversity Convention in accordance with article 26 of the CBD and in a bid to update the CBD secretariat on the status on biodiversity conservation in China (China's Fifth National Report on the Implementation of the Convention on Biological Diversity (2014).

China has also made tremendous effort in a bid to implement the Ramsar Convention as well. China has the world's fourth largest wetland areas (Zongming et. al., 2012). China's wetlands occupy 65.9 million hectares and account for 10% of the world's wetland areas. China boasts of 41 different types of wetlands outlined under the Ramsar with over 2,276 species of water plants, 1700 wild vertebrae and 271 waterfowl species (Guangren, n.d). China boasts of more than 250 wetland parks, 41 wetlands of international importance, over 18 million hectares of natural wetlands. China has however been estimated to have lost 9.33% of its wetlands between 2004 and 2013 (Government of China, 2014). China has in place several bodies that oversee the

implementation of the Ramsar Convention. They include: The State Forestry Administration which is charge of implementing the Ramsar Convention, the Convention on Wetlands Management Office of P.R. China, the China National Committee for Implementation of the Ramsar, the National Wetland Scientific and Technical Review Panel and the National Review Panel for National Wetland Park among others. China also has in place the Wetland Conservation Subsidy Program and the China National Wetlands Conservation Action Plan 2009 and 2000 respectively among other programs.

While the Chinese government has increasingly recognised the importance of wetland protection, particularly after joining the Ramsar Convention in 1992, natural wetlands in China have suffered great loss and degradation. To address this problem, China has implemented the National Wetland Conservation Program (NWCP), one of the largest of its kind in the world, with ambitious goals, massive investments, and potentially enormous impacts (Boer, 2002). China's wetlands face several challenges including but not limited to pollution, over exploitation, wetland conversion and climate change (Guangren, n.d).

One China's strongest strategies to ensure biodiversity conservation has been through the formation of protected areas. China has been noted to have over 2000 different nature reserves at national, provincial, municipal and county (Yu and Czarnezki, 2013). In a bid to achieve the aims of the protected areas, different tools have been put in place to ensure that the purpose of the nature reserves in met. These tools include, regulations, classification of the reserves at the different levels, ensuring financial support as well as ensuring that the exploitation of natural resources, for example forests is limited.

In addition, China has put in place various other programmes to ensure natural resource conservation. These include but are not limited to; the Sand Control Program, the Forest Industrial Base Development Program, the Nature Reserve Development Program which has greatly contributed to biodiversity conservation, the Forest Conservation Program and the Green for Grain Program whose major objective is to regulate logging and deforestation and promotes afforestation as well promote 'grassland vegetation' as well promote water and soil conservation (Zheng and Cao, 2015).

These programmes have been at the helm of China's environmental conservation efforts and China has been noted to have invested over 600 million RMB in forestry conservation projects. In addition, over 4 billion RMB was spent on the Wetland Conservation Project for the period 2005 to 2010 (Zheng and Cao, 2015). Whereas China's efforts to implement the biological conservation treaties are significant, China has been noted to face numerous challenges. China is a very big country with a very large population (Chen and Zhao, 2019). The largest percentage of this population has been noted to live in the rural areas of China where biological diversity is concentrated, economic development is low and poverty rates are very high (Chen and Zhao, 2019). This means that people are forced to heavily rely on the natural resources like water bodies and forests for their survival. In addition, sensitisation on biodiversity conservation is concentrated in the urban areas as compared to the rural areas (Chen and Zhao, 2019).

In a bid to full fill its international obligations, China has enacted various laws concerning conservation of natural resources and ecological environment. China's biological diversity protection and conservation laws are scattered across different legislation. The Chinese Constitution in Article 9 of the provides that the State ensures rational utilisation of natural resources, conserves rare and endangered species, and prohibits damage to natural resources by any organisations or individuals. Article 26 provides that the State protects and improves the environment, controls pollution, organises and encourages afforestation.

The Criminal Law, revised in 1997, adopted for the first time the provision of damage crime to the environment and resources protection. The Law of the People's Republic of China on the Protection of Wildlife (1989) in article 10 authorises wildlife protection departments to order the stoppage of wild life habitat destruction by individuals. The Regulations on Wild Plants Protection of 1997, in article 11 aims to protect the various species of wild plants from destruction and provides for construction of nature protection reserves.

The Forestry Law of the People's Republic of China of 1985 in article 8 provides for forest conservation and puts in place logging quotas and encourages afforestation by encouraging alternative use of

other forms of fuels. The law also provides for tax levies from coal and paper industries and provides loans to encourage tree planting.

The Grassland Law of the People's Republic of China of 1985 (as amended) (Order of the President of the People's Republic of China No. 82) prohibits reclamation and un-regulated construction in a bid to protect vegetation and rare plant species in grasslands. The Water Law of the People's Republic of China of 2002 (Order of the President of the People's Republic of China No. 82, revised in 2002), in articles 32 and 33 aims to conserve drinking water reserves and water sources. In articles 16, 22, 37, the Law of the People's Republic of China on Water and Soil Conservation of 1991 (Adopted at the 20<sup>th</sup> Session of the Standing Committee of the 7<sup>th</sup> National People's Congress on June 29, 1991 and amended at the 18<sup>th</sup> Session of the Standing Committee of the 11<sup>th</sup> National People's Congress on December 25, 2010) provides for water and soil conservation practices like afforestation, conservation of vegetation and hillside fields as well as timber management guidelines. Article 20 of the Marine Environmental Protection Law of the People's Republic of China of 1999 (Adopted at the 24<sup>th</sup> Meeting of the Standing Committee of the Fifth National People's Congress on August 23, 1982, revised in 1999) provides for the protection of marine environments which contain historical, scientific and cultural value as well as protection of areas containing rare, endangered or economically valuable marine organisms.

Other laws include the Environmental Protection Law, promulgated in 1979 and revised in 1989 (Order No.22 of the President of the People's Republic of China), the Air Pollution Prevention Law, issued in 1987 and revised in 1995, The Import and Export Animal and Plant Quarantine Law (Lin & Yue, 2014). There is also in place the Regulation on National Wetland Park Management, the Guideline for the Strategic Plan of National Wetland Park, and the Regulation on Assessing the Pilot National Wetland Park of 2010 (Ramsar Convention Secretariat, 2010).

There are many other Laws in respect of the Environmental conservation, in China and as has been noted, China is well endowed with laws aimed to protect its diverse biological diversity, both terrestrial and marine. This is accordance with its international

obligations under the CBD and the Ramsar conventions. Further Still, Australia and China entered into a bi lateral agreement with Australia in order to protect migratory birds (Agreement between Australia and China for the Protection of Migratory Birds 1986), an indicator that buttresses China's commitment to biodiversity conservation. Through legislation, specifically the law on wild life protection and wild plants protection, China puts the control of these species under government control. This way, the species are safeguarded through controlled use (Yu and Czarnezki, 2013). To achieve this, the government uses traditional methods such as permits and licences (Yu and Czarnezki, 2013).

A major challenge China faces with the implementation and enforcement of biodiversity laws at the national level is the fact that China's national laws are meant to be enforced at local governments level yet local governments also have their own their regulations. This makes it difficult for efficiency to be achieved (Zheng and Cao, 2015). The State and Territory or local government are more often than not, likely to appreciate environmental issues from different perspectives. Different decisions can be arrived at different government levels, hence clashes (Yu and Czarnezki, 2013). Local governments have however been noted to lack sufficient funding for conservation management (Yu and Czarnezki, 2013). Even if enforcement is emphasised at local government level, it has been pointed out that China is still facing challenges with public participation (Yu and Czarnezki, 2013). Decision making is still monopolised at State level (Zheng and Cao, 2015). The grassroots community has been noted not to be widely involved in enforcement of legislation and biodiversity management. China needs to engage more in public participation especially since biological diversity is placed within communities.

China's legislation has been noted to lack strong and assertive language. It has been critiqued for being 'vague and unambiguous' and sounding more like policy statements rather than binding legislation (Yu & Czarnezki, 2013). In addition, China lacks institutions specifically and directly responsible for enforcement of environmental legislation (Zheng & Cao, 2015). As a result, some clashes in the line of duty have occurred. A case in point is the management of nature



reserves under the Regulations of the People's Republic of China on Nature Reserves (adopted at the 24th Executive Meeting of the State Council on September 2, 1994, promulgated by Decree No.167 of the State Council of the People's Republic of China on October 9, 1994, and effective as of December 1, 1994). Article 8 of the regulations provides that:

*'The state shall practice a system which combines integrated management with separate departmental management for the management of nature reserves. The competent department of environmental protection administration under the State Council is responsible for the integrated management of the nature reserves throughout the country. The competent departments of forestry, agriculture, geology and mineral resources, water conservancy, and marine affairs and other departments concerned are responsible for relevant nature reserves under their jurisdiction. The people's governments of provinces, autonomous regions and municipalities directly under the central government shall decide, according to the specific condition of the locality, on the establishment and the responsibilities of the administrative departments of nature reserves in the people's governments at or above the county level.'*

On reading this provision, it is not clear which body or department is in charge of the different nature reserves. The terms 'integrated management' and 'competent department' are indeed ambiguous. It has further been pointed out that the nature reserves are directly managed by many organs including but not limited to the Ministry of Environmental Protection, the State Forestry Administration, and the Minister of Education (Zheng & Cao, 2015). Having several bodies directly responsible for the nature reserves compromises accountability. The other challenge with this kind of arrangement is conflicting goals from the different organs as well as gathering of conflicting information on management of nature reserves (Zheng & Cao, 2015).

Furthermore, in the management of the nature reserves, trainings have been noted to be minimal and substandard, hence poor quality staff (Yu & Czarneski, 2013). In addition, the major objective of the regulations is to strengthen the construction and management of nature

reserves rather than protection of biodiversity. As a result, nature reserves have been destroyed as a result of ecological tourism. The legislation on wetlands faces the same dilemma, the economic rather than the ecological value (Cheng Deng, 2023). Further still, most of the environmental legislation has been noted to lack penal provisions and hence are not deterrent enough to prevent environmental destruction (Yu & Czarnezki, 2013). Moreover, China is still undergoing the ecological civilisation phase, on top of being under the pressure of population growth, rapid economic development and high poverty levels. China has lost 23% of freshwater marshes, 16% of lakes, 15% of rivers and 51% coastal wetlands (Yu & Czarnezki, 2013).

On top of being mostly dated, China's legislation is more focused on economic, rather than ecological value. A case in point is the Wildlife Animal Protection Law on 2004, which, until it was amended, provided for the protection of rare, endangered terrestrial, aquatic wild animals, useful animals or terrestrial wild animals with important economic and scientific research value (adopted at the Fourth Meeting of the Standing Committee of the Seventh National People's Congress and promulgated by Order No. 9 of the President of the People's Republic of China on November 8, 1988, and effective as of March 1, 1989). Thus, the objective of this law was basically economic rather than specie conservation (Wenxuan, 2015). It is not surprising therefore to note that China has had programmes aimed at exploitation of natural resources for the purposes of economic development (Zheng & Cao, 2015). This has continued to compromise the biological diversity of China. Although the law was later amended to cut out the focus on economic value, China had lost a lot of time while focusing on economic benefit.

In addition, it has been noted that officials in government are selected based on how much Gross Domestic Product (GDP) has been accumulated (Zheng & Cao, 2015). This has been noted to compromise proper management of natural resources. Notably, forest cover has been lost due to deforestation which was carried out in order to use the wood fuel for production of steel (Zheng & Cao, 2015). Economic development and specifically urbanisation has continued to take precedence over ecological value. For example, mountain roads have

continued to be constructed in ecologically fragile zones hence compromising the biodiversity in those areas (Zheng & Cao, 2015). Further, the continued need for hydro energy has led to wide scale dam construction which continues to compromise ecological zones especially as a result of flooding. A case in point is the three gorges dam which although has come with benefits like electricity generation and attraction of tourists, has compromised the biodiversity for example fish species which used to flow up and down the river (Zheng & Cao, 2015).

The set of statutes governing the environment in China are loosely related to biological diversity conservation. The statutes include laws, regulations, rules and normative documents. There is no law that is specific to biological diversity yet, and no statute specifically deals with ecosystem conservation yet (Yu, 2015). The existing rules and normative documents have no legal ground for biodiversity conservation. The regulations on Nature Reserves (1994) ((adopted at the 24th Executive Meeting of the State Council on September 2, 1994, promulgated by Decree No.167 of the State Council of the People's Republic of China on October 9, 1994, and effective as of December 1, 1994) are the only relevant statute closest to biological diversity, and their main objective is to strengthen the construction and management of nature reserves and not ecological conservation. Similarly, the Grassland protection law has been critiqued as generally lacking any explicit reference to biological diversity or ecosystem health, despite major threats to these crucial aspects of ecology” (Yu and Czarnezki, 2013). “Chinese natural resources policy can therefore be characterised as management for the sake of productivity” (Yu and Czarnezki, 2013).

Furthermore, the main objective of the Regulations on Nature Reserves is to ensure strong construction and management of these reserves. The purpose statement does not mention any thing to do with biological diversity conservation. This has led to the loss of nature reserves to ‘ecological tourism’ (Yu and Czarnezki, 2013). In addition, there is no law or regulation specific to marine biological diversity (Kwan et al., 2023; Government of China, 2014/2015). The wetlands legislation emphasises the economic value rather than conservation (articles 15, 23, 34 and 35 of the Wetland Protection Law of the People`s Republic of China, 2021). Likewise, there is no law specific

to new animal or micro biological varieties. Whereas China has made effort to ensure the conservation of the biological diversity within its territory, it has not been without some challenges, as outlined in this section. Although China has in place the China National Biodiversity Conservation Strategy and Action Plan (2011-2030), efforts need to be put in place to enact legally binding biological diversity specific law to ensure biological diversity conservation in China. China therefore needs to put more effort in order to live up to the provisions of the CBD and the Ramsar Conventions which emphasise conservation, rather than utilisation and economic value.

#### **4. Conclusion and Recommendations**

This article set out to analyse the effectiveness of the international environmental instruments on the conservation of biodiversity. The study also set out to examine the extent to which China has implemented the international legal provisions on biodiversity protection. The study found out that whereas the instruments, to a large extent, are sufficient, their language is too general, open, non-specific and generally vague. Implementing states are given too much liberty to determine the levels of conservation and protection over biological diversity. A specific standard for all states to follow needs to be set up at the international level. The Instruments further lack implementation mechanisms which makes domestic implementation even harder.

The article further found that whereas China is doing tremendously well in conserving biodiversity especially through enacting relevant legislation, it still faces various sets backs. These include climate change, population increase, poverty, industrialisation and lack of public participation in biodiversity conservation. China's legislation though robust has been noted to have some pitfalls, including but not limited to placing emphasis on the economic value of the biological diversity as opposed to conservation, as outlined in the preceding paragraphs. Moreover, using authoritative and assertive language and embedding penal provisions in the legislation can go a long way in advancing biodiversity conservation. This, however, cannot be achieved unless China has the political will do so. China also needs to

strengthen the idea of protected areas, especially where natural environmental changes continue to be a threat to biodiversity.

## REFERENCES

Agreement between Australia and China for the Protection of Migratory Birds 1986 (CAMBA), accessed 23 September, 2023 through <http://www.austlii.edu.au/au/other/dfat/treaties/1988/22.html>

Ahrends, A., Hollingsworth, P.M., Beckschater, P., Chen, H., Zomer, R.J., Zhang, L., Wang, M., and Xu, J. (2017) China's Fight to halt Tree cover Loss' 2017 *The Royal Society Publishing Online*.

Air Pollution Prevention Law, issued in 1987 and revised in 1995 and 2000 (China).

Armenteras, D. & Finlayson, M. C. (2012) *Biodiversity. Global Environment Outlook (GEO) 5 Report. The Future we want* (UNEP) accessed 20 August, 2023 from [http://www.bik-f.de/files/sonstige/geo5\\_report\\_c5.pdf](http://www.bik-f.de/files/sonstige/geo5_report_c5.pdf)

Boer, B. (2002). Biodiversity planning Law: International and National in Reid., J.C (Ed). *Biodiversity Planning in the Asian Region* (Sri Lanka: IUCN).

Bowman, M. (2002/2003). The Ramsar Convention on Wetlands: Has it Made a Difference? in *Yearbook of International Co-operation on Environment and Development 2002/2003* (London: Earthscan).

CBD, *Global Biodiversity Outlook 3* (2010b) (Montreal: Secretariat of the CBD).

Chen, L.Z., & Zhao, S.D. Implementation of Convention on Biological Diversity in China, *Area Studies-China: Regional Sustainable Development Review*. Vol. III, Pg. 1 and 2 accessed 5 March, 2020, from <http://www.eolss.net/sample-chapters/c16/e1-54-35.pdf>.

China Biodiversity Conservation Strategy and Action Plan (2011 to 2030) accessed on 20 August, 2023 from <https://www.cbd.int/doc/world/cn/cn-nbsap-v2-en.pdf>

China's Fifth National Report on the Implementation of the Convention on Biological Diversity (2014) accessed 20 August, 2023 from <https://www.cbd.int/doc/world/cn/cn-nr-05-en.pdf>

Congress on April 12, 1986 and promulgated by Order No. 37 of the President of the People's Republic of China on April 12, 1986).

Constitution of the Republic of China, 1982 as amended (China).

Convention on Biodiversity. 1760UNTS 79; 31 ILM 818 (1992) accessed on 17 July, 2023 from <http://www.cbd.int/convention/text>

Criminal Law of the People`s Republic of China, 1979 revised in 1997 (China).

Decision No. 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme.

Deng, Y. C (2023) Wetland Protection law of the People`s Republic of China: New Efforts in Wetland conservation *The International Journal of Marine and Coastal Law*.

Environmental Protection Law of China, 1989, revised in 2014 (China).

European Council (2001). *Presidency conclusions* Göteborg Council; 2001 June 15 and 16 (SN/200/1/01 REV1, EC, Brussels).

Forestry Law of the People`s Republic of China of 1985 (China).

Gaodi, X., Shuyan, C., Qisen, Y., Lin, X., Zhiyong, F., Ying, G., Lin, D., Liqiang, G., & Humphrey, S. *Living Planet Report. China:*

*Development, Species and Ecological Civilisation* (World Wide Fund for Nature (WWF)).

General Principles of the Civil Law of the People's Republic of China (Adopted at the Fourth Session of the Sixth National People's Congress on April 12, 1986 and Promulgated by Order no. 37 of the President of the People's Republic of China on April 12, 1986).

Global Biodiversity outlook 2, *Implementing the Convention on Biological Diversity*, 2006 accessed 4 September, 2023 from <https://www.greenfacts.org/en/global-biodiversity-outlook/1-3/9-convention-biological-diversity.htm>

Government of China (2014/2015). National Report on the Implementation on the Ramsar Convention on Wetlands, submitted to the Ramsar Secretariat 2014/2015 accessed 5 September, 2023 from [https://www.ramsar.org/sites/default/files/documents/2014/national-reports/COP12/cop12\\_nr\\_china.pdf](https://www.ramsar.org/sites/default/files/documents/2014/national-reports/COP12/cop12_nr_china.pdf).

Grassland Law of the People's Republic of China of 1985 (China).

Guangren, M.A. Wetlands Conservation in China, The Convention on Wetlands Management Office, P. R. China and the Office of Wetlands Conservation and Management, State Forestry Administration, P.R. China (PowerPoint presentation) accessed 20 June, 2021 from [http://archive.ramsar.org/pdf/cop11/Pre%20COP11%20Asia%20Reg%20mtg%20PDFs/Presentations/26-%20Wetlands%20Conservation%20in%20China\\_%20Ma%20Guangren\\_China.pdf](http://archive.ramsar.org/pdf/cop11/Pre%20COP11%20Asia%20Reg%20mtg%20PDFs/Presentations/26-%20Wetlands%20Conservation%20in%20China_%20Ma%20Guangren_China.pdf)

Import and Export Animal and Plant Quarantine Law, 1982 (China).

Jianwei., C. Ramsar Convention and Wetland Conservation in China' Area studies - China: Regional Sustainable Development Review – Vol. III – Ramsar Convention and Wetland Conservation in China, accessed

on 24 September, 2023 from <https://www.eolss.net/sample-chapters/C16/E1-54-41.pdf>

Kabaseke., C. (2020) *Women's Right to Participation in Environmental Decision Making Process in Uganda: Lessons from International and Comparative Law* (Un published PhD thesis submitted to the School of Law of Wuhan University).

Keyuan, Z. (2010) International Law in the Chinese Domestic Context *Valparaiso University Law Review* 44 (3) 935-956.

Klein., C. New Leadership Needed: The Convention on Biological Diversity 2016 (31) *Emory International Law Review* 136-165.

Kwan, K.Y., Chen, R., Wang, C-C., Lin, S., Wu, L., Xie, X., Weng, Z., Hu, M., Zhou, H., Wu, Z., Zhen, W., Yang, X., & Wen, Y. (2023) Towards Effective Wildlife protection law for marine species in China: A stakeholders` perspective *Marine Fisheries, Aquaculture and Living Resources* (10).

Lausche, B., *IUCN Guidelines for Protected Areas Legislation* (Gland, Switzerland: IUCN, 2011) accessed 24 September, 2023 from <http://data.iucn.org/dbtw-wpd/edocs/eplp-081.pdf>.

Lausche., B. J., & Burhenne-Guilmin., F. (2013). The Legal Aspects of Connectivity Conservation – A Concept Paper. IUCN EPLP No. 85. Vol.1 accessed 23 September, 2023 from <https://portals.iucn.org/library/node/10421>.

Law of the People's Republic of China on Water and Soil Conservation of 1991 (China).

Lin, Y., & Yue, C. (2014) China's New National Rules on Wetland Protection IUCNAEL *EJournal* 177 (5).



Mao, D., Wang, Z., Wu, J., Wu, B., Zeng, Y., Song, K., Yi, K., & Luo, 'L. (2018) China's Wetlands loss to Urban Expansion *Land Degradation and Development* (29) (8).

Marine Environmental Protection Law of the People's Republic of China of 1999 (China).

Matthews, G.V.T. (2006) *The Ramsar Convention on Wetlands: its History and Development* (Gland Switzerland: Ramsar Convention Bureau, Gland, Switzerland).

Navid., D. (1989). The International Law of Migratory Species: The Ramsar Convention 1989 (29) *Natural Resources Journal* accessed on 20 August, 2023 from <http://digitalrepository.unm.edu/nrj/vol29/iss4/5>

Puppim de Oliveira, J. A., Balaban, O., Doll, C.N.H., Moreno-Peranda, R., Gasparatos, A., Lossifova, D., & Suwa, A. (2011). Cities and biodiversity: Perspectives and governance challenges for implementing the convention on biological diversity (CBD) at the city level *Biological Conservation* (144) 1302–1313.

Ramsar Convention, 996 UNTS 245; TIAS 11084; 11 ILM 963 (1972) accessed 23 September, 2023 from [http://portal.unesco.org/en/ev.php-URL\\_ID=15398&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=15398&URL_DO=DO_TOPIC&URL_SECTION=201.html)

Ramsar Resolution IX.1 Annex D (2005) *Ecological "outcome-oriented" Indicators for Assessing the Implementation Effectiveness of the Ramsar Convention*.

Regulation on Assessing the Pilot National Wetland Park of 2010 (China).

Regulation on National Wetland Park Management (China). Regulations of the People's Republic of China on Nature Reserves, adopted at the 24th Executive Meeting of the State Council

on September 2, 1994, promulgated by Decree No.167 of the State Council of the People's Republic of China on October 9, 1994, and effective as of December 1, 1994).

Regulations of the People's Republic of China on Nature Reserves, 1994 (China).

Regulations of the Peoples' Republic of China, Decree no. 167 of the State Council, 1994 (China).

Regulations on Wild Plants Protection of 1997 (China).

The Law of the People's Republic of China on the Protection of Wildlife, 1989 (China).

UNEP (2007) *Global Environment Outlook 4: Environment for Development* (Progress Press, Valletta: UNEP).

Wallace, R. (2015) The Reduced Effect of International Conservation Agreements: A New Zealand Case Study *Journal of Environmental Law* (27) 489–516.

Water Law of the People's Republic of China of 2002.

Wenxuan, Y. (2015). Biological Conservation Law. In Qin Tianbao (Ed): *Research Handbook on Chinese Environmental Law*. (Cltenan, Uk: Edward Elgar Publishing).

Wenxuan, Y., & Czarnezki, J.J. (2013). Challenges to China's Natural Resources Conservation & Biodiversity Legislation *Environmental Law Review* 43 (1) 125 – 144.

Wildlife Animal Protection Law, 1988 (China).

Zheng, H., & Cao, S. (2015) Threats to China's Biodiversity by Contradictions Policy (44) *AMBIO* 23-33.

Zongming, W., & ianguo, W., Marguerite, M., & Dehua, M. (2012) China's Wetlands: Conservation Plans and Policy Impacts *AMBIO* (41) 782–786.

# Bribery and Public Procurement Performance at Mbarara City, Uganda.

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## ABSTRACT

The study investigated the effects of bribery on public procurement performance in Uganda with a focus on Mbarara City. Specifically, the study examined how monetary bribery and non-monetary bribery influence public procurement performance at Mbarara City. A cross sectional design adopting a quantitative approach was applied. Quantitative data was analyzed using inferential statistics (Spearman correlation, coefficient of determination and regression). Qualitative data on the other hand was

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analyzed using content and thematic analysis. The findings revealed a strong negative influence of bribery on public procurement performance whereby more bribery contributed to poor public procurement performance and less bribery contributed to better public procurement performance. The study recommended that municipal councils should develop mechanisms for strengthening and operationalizing available measures to combat bribery to improve public procurement performance. Such mechanisms may include encouraging whistle blowers, selection of professional and competent members on evaluation committees and reducing on the bureaucracy.

**Keywords:** *Bribery, Public Procurement Performance*

## INTRODUCTION

### Background

The procurement processes at Mbarara City are subject to the terms of the PPDA Act (2003) (Mbarara City, 2022). The PPDA provisions aim to ensure non-discrimination of all potential suppliers of services and goods to the Municipal Council, transparency, fairness, and competitiveness, thereby avoiding corruption in the procurement process. All purchases are made by the Municipal council itself, which has led to a considerable demand for a better procurement performance (Mbarara City, 2022). Accounting officers in Mbarara City are in charge of procuring services and goods (Bainomugisha, Rukyamuzi & Tahinduka, 2022). The other group of actors are the Evaluation Committee (Ad-hoc), Contracts Committee, the Negotiation Committees (Ad-hoc), the Procurement and Disposal Units (PDUs) and the User Departments. They all carry out their independent job tasks to ensure that everything needed, as expected, is purchased according to the PPDA Act to guarantee money spent on purchases yields value (Aine, 2019).

Despite a regulatory mechanism in place, Mbarara City, like other public institutions in Uganda, has been criticized about its procurement performance for some time. For example, in the 2017/18 fiscal year, Mbarara City failed to generate the expected revenue of Ug Shs 9 billion due to delays in the procurement process (Aine,

2019). Only Ug Shs 2.3 billion was received as local revenue which was attributed to under-declaration in tenders. In fiscal year 2020/2021, Bainomugisha *et al.* (2022) stated that there are concerns about the slow procurement contributing to delays in public procurement performance. An important example is the planned and budgeted refurbishment of the Nyamiriro gravity-flow system, which was not being implemented due to the sluggish procurement process. The third district development plan (2016-2020) identified the long procurement process as an obstacle to the implementation of municipality activities (Mbarara City, 2022). An investigation was initiated by the Public Procurement and Disposal of Public Assets Authority (PPDA) on the fraudulent allocation of the tender for the Mbarara taxi park and any further action in this procurement procedure had to be suspended until the end of the investigation (Kabasongora, 2022). This was the third time the tendering process for Mbarara Taxi Park had been challenged.

The argument in this study was that the poor performance of public procurement at Mbarara City might be due to various forms of bribery that have been reported. Bribery is highly prevalent at Mbarara City and it is majorly in the area of procurement because it involves a lot of money. For example, in 2019, a local newspaper reported that three council officials were involved irregularities in the Mbarara taxi park tender award were reported. During the fiscal year 2017/18, connivance among some of the top municipal leaders in procurement activities was reported (Office of the Auditor General, 2018). In the same fiscal year, it was reported that the user departments usurped the Accounting Officer's powers and entered into contracts with an irregular amount of one billion Ugandan shillings without the approval of the Board of Directors (Aine, 2019). Although the negative effects of corruption speak of "volumes of words", empirical research into bribery and its influences on public procurement performance at Mbarara City was limited. This study was conducted partly to deal with this knowledge vacuum.

## **Statement of the problem**

Mbarara City is expected to observe the available policy procedures and guidelines in her public procurement to improve its performance of the procurement function. Such endeavors are intended to guard against the excesses of all players that can degenerate into corruption tendencies at the expense of service delivery. However, despite the existing regulatory and institutional framework, there have been frequent complaints about public procurement performance in Mbarara City. Some of the complaints include delays in the procurement process contributing to poor procurement performance (Aine, 2019; Mbarara City, 2022). There is evidence to suggest that the unsatisfactory procurement performance of Mbarara City might be due to corruption. It is reported that many public officials, both administrators and politicians, still solicit for bribes in procurement contract awards (Aine, 2019; Office of the Auditor General, 2018). The stated bribery is associated with negative consequences such as misuse of the Municipal Council's resources intended for supporting service delivery, lack of value obtained from the public funds and loss of the public trust in the Municipal Council. All these tarnish Municipal Council's image among the local community members. With such occurrences, one wonders the extent to which bribery affects the public procurement performance at Mbarara City. It was on such basis that this study explored the influence of bribery on the public procurement performance in Mbarara City.

## **Purpose of the Study**

This was to examine the influence of bribery on the public procurement performance in Mbarara City, Uganda.

## **Significance of the Study**

The outcome from this study should be beneficial to Mbarara City, policy makers and the body of knowledge in the following ways:

To Mbarara City and other local governments in Uganda, the study findings present empirical information and therefore knowledge relating corruption tendencies to procurement performance. After exposing the potential public procurement challenges, it is expected that the municipality may take advantage of the findings to plug the holes through which corruption thrives and survives in the public procurement processes.

Relatedly, the study findings should be useful in providing collaborated and updated information to policy makers and others whose actions may inform further policy reviews relating to eradicating corruption in public procurement processes especially in the context of local governments. Specifically, the results might be utilized in formulating policies for public procurement that might be put into practice to improve public procurement management and thereby improve its procurement performance in institutions of the government.

The study may also propose other areas for academics that may require additional research from academics seeking to deepen their knowledge of corruption and public procurement performance. By doing so, the study findings are likely to expand on existing literature and knowledge relating to corruption and public procurement performance.

## LITERATURE REVIEW

Previous scholarly works on corruption have mainly had a tendency to center attention on bribery (Ameyaw & Mensah, 2020; Ameh & Odusami, 2017). Bribery compromises quality of procurement performance (Goldstock, 2017). For example, conspiring/conniving the construction project inspectors through inducements leads to disregard of the concept of surveillance/supervision. Such inducements to inspectors of construction project negatively affect procurement performance (Chiocha, 2019; Sangweni & Balia, 2019). Wraith and Simpkins (2017) stressed that bribery is essentially devastating (disastrous, ruinous, damaging) to public interest. In words of Boeckmann (2020), bribery has a corroding (damaging, weakening, or harmful) effect on

the procurement business climate in general. This hinders investments in addition to distorting prices and weakening the justice systems. Thus, the suggestion is that all efforts available are required to combat this monster.

People working in organizations engaged in business persuade government officials in making decisions that benefit them more than the general body of citizens (Ameyaw & Mensah, 2020). Such influences may be monetary in form of people working in organizations paying for the education of the children of government officers and/or directly providing money to government officials in order for the former to win public tenders, or non-monetary, such as political campaign contributions and trips abroad (Osei-Tutu, Badu & Owusu-Manu, 2019). The argument is also that greediness and the pursuit of wealth encourages those holding positions of power to become exploitive by engaging in bribery. The enthusiasm to win contracts at any cost inspires contractors, consultants and suppliers to engage in corrupt activities with procurement officials that negatively affect procurement performance (Osei-Tutu *et al.*, 2019).

The direct outcome of bribery on procurement performance is realized through the price-demand mechanism for services. The cost of services provided by the public may vary among users due to bribery. Limited transparency and poor accountability systems can allow service servant officials to set prices that are different yet the public service offered is same. Basheka and Tumutegereize (2017) explored the costs paid by Ugandan private organizations and found that organizations that gained more profits paid more bribes. Hunt and Laszlo (2022) focused on the mechanisms of bribery among Peruvian citizens. They found that officials from the public sector were more likely to be “involved” in the bribery process and that bribery cases were positively linked to users’ incomes.

## METHODOLOGY

This study used a cross sectional design that relied on both quantitative and qualitative approaches. The cross sectional design was favored as it has been reported to be appropriate for getting information from a large number of selected participants where each



is given not more than one opportunity to express his/her opinion about a study phenomenon (Wang & Cheng, 2020). The quantitative approach was favored for getting information that could be quantify or expressed numerically enabling the application various forms of statistical computations to understand bribery in the context of procurement performance.

Convenience sampling was used to select respondents (Etikan, 2016). Convenience sampling was applied while selecting service providers given their busy and scattered schedules that made them not easy to get. This sampling technique was favored to be suitable because it helped select any service provider who was found while conducting the study. Also, Simple random in this study describes a sampling technique that strived to avoid bias in selection of respondents in sample population (Taherdoost, 2016). Simple random sampling was applied while selecting councilors to interview and it gave an equal chance of each of the councilors to be selected given that their number was big and not all of them were selected. The technique managed to minimize selection bias through providing an equal and independent chance to all members from that population category of being selected into the sample population. In particular, each member of that category was assigned a number and after which one number at a go was selected at random.

Analysis involved inferential statistics that included Spearman correlation coefficient and coefficient of determination used to show the extent of influence of bribery on public procurement performance at Mbarara City. Spearman correlation was used to test for significant relationships between the variables because the scale used in the questionnaire was an ordinal scale. However, the Spearman correlation was then squared to compute the coefficient of determination given that the objective of this study emphasized the term “influence” and not the term “relationship”. The regression was computed because it was thought important to determine how each of the dimensions of bribery (that is monetary bribery and non-monetary bribery) affected public procurement performance in Mbarara City.

## Results and Discussion

The Spearman Rank Order Correlation Coefficient ( $\rho$ ) was used to determine the strength of the relationship between bribery and the public procurement performance. The coefficient of determination was used to determine the influence of bribery on the public procurement performance. The significance of the coefficient ( $p$ ) was used to test the hypothesis by comparing the coefficient to the critical significance level at .05. Table 1 presents the results for the first hypothesis.

**Table 1: Influence of monetary bribery on public procurement performance in Mbarara City**

Bribery Independent Variables	Public Procurement Performance-Dependent Variable
Monetary Bribery	$\rho = -.749$ $\rho^2 = .561$ $p = .000$ $n = 50$

*Source: Primary data*

The results show a strong correlation ( $\rho = -.749$ ) between bribery and public procurement performance. Given that the correlation does not imply causal-effect as mentioned in the first objective, the coefficient of determination ( $\rho^2 = .561$ ) was calculated and converted into a percentage to determine the change in public procurement performance caused by bribery. As a result, 56.1% change in public procurement performance was caused by bribery. These results were tested for significance ( $p$ ), which showed that the significance value ( $p = .000$ ) was less than the desired critical significance of .05, which indicated that the influence was significant. In this regard, the hypothesis was confirmed that bribery had a strong influence on public procurement performance at the Mbarara City. The interpretation of these results is that the strong influence means that changes in bribery resulted in big changes in public procurement performance.

Another inferential analysis was performed applying regression to assess the influence of bribery dimensions (monetary and non-monetary bribery) on public procurement performance. Results are presented in Table 2 along with analysis and interpretation.

**Table 2: Influence of dimensions of bribery on public procurement performance**

<i>Regression Statistics</i>						
R	.811					
R Square	.658					
Adjusted R Square	.643					
Standard Error	6.261					
Observations	50					
<i>ANOVA</i>						
	<i>df</i>	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>Sig F</i>	
Regression	2	3544.5	1772.3	45.2	.000	
Residual	47	1842.3	39.2			
Total	49	5386.8				
	<i>Coefficients</i>	<i>Standard Error</i>	<i>Beta</i>	<i>t Stat</i>	<i>P-value</i>	
Intercept	70.06	4.35		16.11	.000	
Monetary bribery	-1.56	.41		-4.4	-3.75	.000
Non-monetary bribery	-1.41	.37		-4.5	-3.85	.000

**Source:** Primary data

The results in Table 2 show a very strong linear relationship (R = multiples of 0.811) between bribery dimensions (monetary and non-monetary bribery) and public procurement performance. The adjusted R Square shows that the bribery dimensions (monetary and non-monetary bribery) resulted in a 64.3% change in public procurement performance. The ANOVA test shows that the significance (Sig F = .000) of the Fishers ratio (F = 44.2) was less than the threshold value of .05. The findings imply that the bribery dimensions (monetary and non-monetary bribery) influenced public procurement performance in Mbarara City.

The coefficients findings show that both monetary bribery and

non-monetary bribery singularly had a significant influence on public procurement performance because the significant p-values (p-value = .000 and p-value = .000) were less than the threshold value of .05. However, non-monetary bribery most influence on public procurement performance because the t-value (t-value = -3.85) was higher compared to that of monetary bribery (t-value = -3.75).

These results are consistent with Shleifer and Vishny (2019), who explain that, generally treated as a problem disconnected from the system as a whole, bribery in public procurement performance is usually perceived as a situation where only the person providing the services is the one responsible for coercing others to pay extra money. Government officials are seen as little demons at the end of a network of public services that demand extra payments. However, further analysis through interview showed that monetary bribery and non-monetary bribery was the result of an organized network of corruption involving employees and service providers.

*‘...there is always connivance between the city employees and service providers to steal funds from the Government through contracts’* These results agree with what was collected through the questionnaires.

Findings of this study revealed that bribery was most prone at evaluation phase of the public procuring process. Procurement staff passed on information to some bidders who offered bribes or promised a bidder that he/she will be helped to gain a competitive edge over other bidders. The results of this study substantiate the September 2017 PPDA working document of the amended PPDA Act (2003). The document defined the assessment phase as insufficient in the legislation and as such, it was subject to abuse. According to Oluka and Ssenogi (2018), the evaluation stage is the most vulnerable phase because political leaders typically exert a lot of pressure on members of the team conducting the evaluation to select certain preferred bidders for contract awards. This is unreasonable since the criterion for evaluating the bids to be followed is always clearly stated in the bidding documents as required by law. It is argued in this study that there is a weakness in the Municipality. Because of these weaknesses, politicians have

power over bid evaluators who in most cases are the civil servants. Having authority over government officials supposed to evaluate bids causes conflict but political leaders will dominate and therefore decide whether to hire specific service providers. During interviews one of the respondents said ..... *there a lot of gamba nogu! (Talk to the power above) in the procurement process and this sometimes compromises and makes it not fair as it should be... ”.*

This study established that monetary bribery and non-monetary bribery raised the cost per unit and because of this the quality of materials and final product is negatively affected including the efficiency of the public procurement performance. Shleifer and Vishny (2013) support this finding with claims that bribery affects the price public services and number of public services delivered and, as bribery is more widespread, it translates into increased prices for procured public services and reduced the public services delivery. The results of this study coincide with Kaufman *et al.* (2018) who argued that the direct impact of bribery on the public procurement performance is felt through a pricing mechanism for the demand for services.

In addition, it was found out in this study that monetary bribery and non-monetary bribery was the cause of substandard work and this eroded value for money and life span of the project or construction. This finding agrees with Bohórquez and Devrim (2019) who opined that the cost of bribery is related to the quality and public services coverage. Paying bribes can translate into failing to access to better public services.

## CONCLUSIONS AND RECOMMENDATIONS

### Conclusions

This study indicated that monetary bribery and non-monetary bribery played a devastating role at Mbarara City and especially disadvantaged the poorer sections of society that failed to access quality and timely public services. What happens to public procurement performance at Mbarara City is likely to be similar to municipalities and government institutions in Uganda. Bribery is a

phenomenon that represents a burden for entire society. The study therefore concludes that monetary bribery and non-monetary bribery had a strong negative influence on public procurement performance in Mbarara City.

## **Recommendations**

From the results of the case study, among the recommendations, a general one that cuts across the two types of bribery that this study investigated is punitive punishment against those caught engaging in corruption. Therefore, this can be achieved through prosecution and other administrative punishment like demotion or dismissal. Other recommendations include the following:

Municipal Council should strengthen the available measures to reduce bribery in order to improve public procurement performance. These measures should include encouraging whistle blowers to report officers and bidders who engage in bribery in the process of procurement to mandated institutions such as Inspectorate of Government so that such cases are investigated and culprits put to book. Accounting officers should ensure selection of professional and competent members on evaluation committees. PPDA should revisit the procurement process to reduce on the bureaucracy which makes the procurement process prone to bribery.

## REFERENCES

- Aine, B. (2019). *Mbarara Municipal Councilors Reject to Approve New Budget, Petition LCV Boss*. PML Daily. Retrieved 18 July 2019 from <http://www.pmldaily.com/news/2019/05/mbarara-municipal-councilors-reject-to-approve-new-budget-petition-lcv-boss.html>
- Ameh, O. J. & Odusami, K. T. (2017). Professionals' Ambivalence toward Ethics in the Nigerian Construction Industry. *Journal of Professional Issues in Engineering Education and Practice*, Vol. 136, No. 1, January 1, 2017.
- Ameyaw, C. & Mensah, S. (2020). Curbing Corruption in the Public Procurement Process in Ghana. *Public Policy and Administration Research*, Vol. 3, No. 5, 44-53.
- Bainomugisha, A., Rukyamuzi, G. B. & Tahinduka, F. (2022). *Local Government Councils' Performance and Public Service Delivery in Uganda: Mbarara District Council Score-Card Report FY 2020/2021*. Retrieved 18 July 2023 from [https://www.africaportal.org/documents/13184/PSDA\\_62\\_1.pdf](https://www.africaportal.org/documents/13184/PSDA_62_1.pdf)
- Basheka, B. C. & Tumutegyeize, M (2017). *Determinants of Public Procurement Corruption in Uganda: A Conceptual Framework*. Retrieved 16 May 2021 from [www.google.com](http://www.google.com).
- Boeckmann, A. (2020). *Engineering and Construction Industry Tackles Global Corruption*. Retrieved 18 May 2021 from [www.weforum.org](http://www.weforum.org)
- Bohorquez, E. & Devrim, D. (2019). Cracking the myth of petty bribery. Retrieved 18 May 2021 from <http://corruptionresearchnetwork.org/resources/frontpage-articles/acrn-blog-cracking-the-myth-of-petty-bribery>

- Chiocha, C. I. M. (2019). *Corruption and its effects on the development of the Construction Industry in Malawi*. PhD Dissertation presented to the Faculty of Engineering, the Built Environment and Information Technology at the Nelson Mandela Metropolitan University.
- Etikan, I. (2016). Comparison of convenience sampling and purposive sampling. *American Journal of Theoretical and Applied Statistics*, 5(1), 1, 1-4. DOI:10.11648/j.ajtas.20160501.11
- Goldstock, R. (2017). *Corruption and racketeering in the New York City construction industry*, New York University Press, New York.
- Hunt, J. & Laszlo, S. (2022). *Bribery: Who pays? Who refuse? What are the payoffs?* NBER Working Paper Series, No. 11635, September 2022.
- Kabasongora, M. (2022). *PPDA Investigates Mbarara Taxi Park Tender Award*. Retrieved 18 July 2019 from <https://ugandaradionetwork.com/story/ppda-investigates-mbarara-taxi-park-tender-award>
- Mbarara City (2022). *Mbarara City: Third municipality development plan 2016/2017 to 2020/2021 (DDPII)*. Retrieved 18 July 2019 from <https://www.mbarara.go.ug/sites/default/files/downloads/Mbarara%20DDP%202022%202020%20%20latest.pdf>
- Office of the Auditor General (2018). *Report of the Auditor General on the Financial Statements of Mbarara Municipal Council for the Year Ended 30<sup>th</sup> June 2017*. Kampala: Office of the Auditor General Uganda.
- Oluka, P. N. & Ssenoga, F. (2018). *Tackling Corruption in Public Procurement: A Case of Local Governments in Uganda*. In 3<sup>rd</sup>



- International Public Procurement Conference, Kampala-Uganda, August 28-30, 2018, Vol. 24(10), pp. 110-132.
- Osei-Tutu, E, Badu, E., & Owusu-Manu, D. (2019). Exploring Corruption Practices in Public Procurement of Infrastructural Projects in Ghana, *International Journal of Managing Projects in Business*, Vol. 3, No. 2, pp. 236-256.
- Sangweni, S. & Balia, D. (2019). *Fighting Corruption: South African Perspectives*. Pretoria: Unisa Press.
- Schleifer, A. & Vishny, R.W. (2020). Corruption, *Quarterly Journal of Economics*, 108, 599-617.
- Shleifer, A. & Vishny, R. W. (2019). Corruption. *The Quarterly Journal of Economics*, 108, 599-617.
- Taherdoost, H. (2016). Sampling methods in research methodology: How to choose a sampling technique for research. *International Journal of Academic Research in Management (IJARM)*, Vol. 5, No. 2, 18-27.
- Wang, X. & Cheng, Z. (2020). *Cross-Sectional Studies: Strengths, Weaknesses, and Recommendations*. American College of Chest Physicians: Elsevier Inc.
- Wraith, R. & Simpkins, E. (2017). *Corruption in Developing Countries*, 6<sup>th</sup> ed. London: Allen and Unwin.



# Implementation Challenges of Corporate Social Responsibility Programs among Commercial Banks in Uganda. A Case of Absa Bank Mbarara

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## ABSTRACT

The purpose of this survey was to establish the implementation challenges of corporate social Responsibility (CSR) programs among commercial banks in Western Uganda using a case of Absa Bank Mbarara. In this study, descriptive research design was adopted where qualitative and quantitative approaches of data collection were used. Both questionnaire survey and interview methods were used to collect data from staff of Absa Bank. To ensure validity and

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reliability, research instruments were pretested and appropriate strategies taken. Content Validity index was used for validity while Cronbach Alfa was used for reliability. Using both qualitative and quantitative methods, the findings portray negative perception by the public, competition and financial challenges as major hindrances of CSR programs among commercial banks in Western Uganda since they are profit making financial institutions. The study concludes that commercial banks use community related programs as their CSR programs. The study encourages commercial banks to partner with other organizations such as civil society organizations and government in funding CSR activities since they are essential for the improvement in wellbeing of the people.

*Keywords: Corporate Social Responsibility, Commercial Banks*

## 1. INTRODUCTION

In a competitive global market, institutions must strive to create a social impact and be socially responsible to the needs of the people they serve. Globally, CSR is understood to bolster market expansion for firms, fill institutional gaps and facilitate market entry. (Dana& Jette,2012). Fang (2014) defines CSR as “a process of embracing responsibility for the company’s actions and encouraging a positive impact through its activities on the environment, consumers, employees, communities, stakeholders and all other members of the public sphere who may also be considered stakeholders” (Fang, 2014). On the African Continent majority of the businesses in the region view CSR as addressing only environmental concerns, philanthropy and community support. Philanthropy was the main notion of CSR among many countries in the world. A study by the UNIDO in 2007 states that CSR is commonly understood as corporate philanthropy or charity or associated with public relations and marketing strategies, and not as a company’s responsibility to its stakeholders (John Chikati: 2008).

To achieve business objectives, Ailawadi et al., (2014) argue that both scientists and marketing professionals are emphasizing the importance of Corporate Social Responsibility Programs in the

consumer decision process. As a result, CSR is seen as crucial in providing competitive advantage and differentiation. Commercial banks in Uganda have been at the Centre stage of championing the CSR agenda although their study revealed that Banks face financial related challenges. In 2007, Barclays bank acquired Nile Bank in Uganda and expanded its footprint from 7 branches to the current 51 and 75 ATMs. In 2018, the bank's remaining shares in Africa were sold to Absa Bank. Absa Uganda provides a wide range of banking services including personal, current and savings accounts. The bank has been at the forefront of CSR by supporting communities, protecting Environment and supporting Sports, including the English Premier League.

Besides, Absa Bank has for more than a decade supported several CSR related activities. For instance, the bank has donated numerous cheques to various development initiatives in the Country. Despite these efforts by the bank, it's struggling to compete in the banking sector against other giants in banking like Stanbic, Centenary among others. The Banking Results for 2023 named Stanbic Bank and Centenary Bank as the largest leading Banks (The independent, 2022). The above findings create a puzzle as to why Absa Bank is not among the two leading giants in the market in Western Uganda. Different questions remain unanswered. This study aimed at establishing whether there are any implementation challenges related to CSR Program. One would have expected that with this level of investment in CSR programs Absa Bank Mbarara would be the market Leading Bank in the region which is not the Case.

### **1.1 Primary goal of the study**

The survey aimed at establishing the implementation challenges of CSR programs among commercial banks in Western Uganda.

### **1.2 The significance of the study**

The findings of this study are deemed beneficial to different stakeholders, but most especially to both profit making and non-profit

agencies. For instance, CSR as become a prominent concept among banks as a preferred societal engagement. The findings from this study may provide financial institutions with deeper understanding of the concept so as to devise strategies of reaching out to their customers during the time of need.

The findings from this study may also be key in decision making and guiding future CSR policies of entities on the rationalization of programs. Policy makers may use the findings of this research to justify their decision in regard to behaviors of corporations and their stakeholders.

The study finding play a very big role in bridging the knowledge gap on what is known about the implementation challenges of CSR, as it provides a meaningful reference for future studies about the subject. The study therefore provides scholarly information that can be used by future scholars when studying the same subject.

## **2.0 Literature review**

In this sub section, we look at theoretical underpinning and the empirical review about the variables under consideration.

### **2.1 Theoretical under pinning**

The study was guided by social contract theory (Thomas Hobbes,1588-1679) which is rooted in the history of political theory, more precisely in the work of some great political thinkers from the seventeenth and eighteenth centuries. The central idea of the social contract theory is the relationship between a business and society (Dusuki, 2009). According to the social contract paradigm, a business is regarded as a social institution and should join with other social structures like the family, educational system and religious institutions, to help enhance life and meet needs. As such, the corporate social contract theory holds that business and society are equal partners, and each enjoys a set of rights and has reciprocal responsibilities. The theory emphases the idea that society needs to be safeguarded from the

oppression of the institutions which are powerful. The theory however doesn't provide sufficient guidance for addressing contemporary political and ethical challenges, such as environmental issues, global governance, and economic inequality which are key issues for CSR. This theory was relevant in this study because CSR implementation is a 'contract' between the bank and stakeholders.

## **2.2 Implementation challenges of CRS programs**

CSR in developing countries cannot be divorced from the socio-political reform process, which often drives business behaviour towards integrating social and ethical issues. In South Africa, the political changes towards democracy and redressing the injustices of apartheid were significant drivers for CSR, through the practice of improved corporate governance Roussou et al (2002), collective business action for social upliftment (Fourie and Eloff, 2005), black economic empowerment and business ethics (Malan, 2005). Visser (2005) lists more than a dozen examples of socio-economic, environmental, and labour-related legislative reforms in South Africa between 1994 and 2004 that have a direct bearing on CSR.

There is a powerful argument that CSR in developing countries is most directly shaped by the socio-economic environment in which firms operate and the development priorities this creates. Amaeshi et al, (2006), for example, argue that CSR in Nigeria is specifically aimed at addressing the socio-economic development challenges of the country, including poverty alleviation, health-care provision, infrastructure development, and education. However, there are a number of internal constraints associated with the company's own capacities.

Overall, companies report lack of CSR knowledge and lack of technical capacity to implement CSR related activities along with insufficient financial resources as the major barrier to their involvement in CSR activities. (Zhang, et al, 2019). In addition, there is limited government support toward specific projects and programmes about CSR promotion (Chikati, 2010). CSR is often seen as a way to plug the "governance gaps" left by weak, corrupt, or under-resourced

governments that fail to adequately provide various social services (housing, roads, electricity, health care, education, etc.).

Another challenge of CSR is that the actual benefit received by the community is negligible or non-existent. Social responsibility should result in positive outcomes for both the business and the community. (Kala, 2014). However, most often, the results fall heavily in favor of the business involved. Businesses invest a comparatively small amount into community projects and then use their efforts to promote their brand and gain access to markets all around the world. The public relations and brand building they receive far outweighs their investment in socially responsible projects (Kala, 2014).

The policy environment where businesses operate does not actively encourage engagement to an adequate level. Unlike an increasing number of European countries, none of the East African countries has established a national CSR agenda with clearly defined objectives for incorporating CSR values in business Practices. (Chikati,2010). While Governments have adopted a wide range of laws and regulations that relate to different aspects of CSR, the mechanisms to implement and enforce this legislation are often weak or absent. By and large, governments lack the capacity or information need to provide financial and /or nonfinancial incentives for CSR engagements to assist in creating a socially responsible business climate. Although there are many civil society organizations in the region, fewer are actively engaged in promotion of CSR (Chikati, 2010.)

CSR programs have been criticized because some believe that the overall objective of the entity should be profit making for the owners and shareholders, and not to make charity. (Berger&Stott,2019). They both strongly argue that doing anything outside this purpose undermines the fundamental business objectives that is the bottle line. An organisation has responsibility to its shareholders which is to make profits and justifications cannot be made for spending profits of owners on socially responsible projects (Kala, 2014). Social responsibility result into positive outcomes for the businesses and their owners. (Besser,2012) According to the African Development Bank report the



true motivation behind CSR are not convinced that the business is acting in the best interests of the community and environment (ADB Report, 2005).

### 3.0 Research approach

In this study, descriptive research design was adopted which was guided by a mixed research paradigm. Quantitative and qualitative approaches of data collection and analysis were both used. Quantitative approach was used to collect and analyze data that was obtained through the use of questionnaire survey method. Qualitative approach was used to deal with collection and analysis of information that was obtained through the key informant interviews. The study population 200 people composed of bank management officials, line managers, Employees, and Customers. The Sample size was 150 respondents were selected from the target population of 200 respondents. This was derived in accordance with Toya Yamane (1967).

### 4.0 Results and analysis

In this section, we present findings of the study. Participants in this study were asked to establish whether they had any information or knowledge relating to CSR. Results in this section were obtained in form of frequencies and percentages as shown in Table 4.1.

**Table 4.1: Respondents' knowledge on CSR Programs by ABSA bank Mbarara**

<b>Respondents</b>	<b>Frequency</b>	<b>Percentages</b>
Work force related activities	8	5
Market place related activities	25	17
Community related activities	80	53
Environmental related activities	27	18
Others	10	7
<b>Total</b>	<b>150</b>	<b>100</b>

*Source: Primary Data, 2023*

Table 4.1 indicates that majority of the respondents (53%) pointed Community related activities as the major CSR activities that Absa bank Mbarara indulges in. Such activities include supporting sports, offering assistance to low-income groups, education for orphans as well as health support to disabled. In agreement with the quantitative finding, one of the key informants had this to say:

*... As Absa bank Mbarara we have provided Junior achievers program and have provided financial support to many vulnerable people like the orphans and people with disabilities (Field Data, 2023).*

In addition, another key respondent was quoted saying;

*... Absa bank Mbarara has supported health related activities and provided financial knowledge to the Community' (Field Data, 2023).*

Findings from both the qualitative and quantitative findings confirm that Absa bank Mbarara engages in CSR programs as a way of giving back to the Society.

**Table 4.2 Showing the responses on implementation challenges**

<b>Response</b>	<b>Frequency</b>	<b>Percentage</b>
Competition	32	21.3
Lack of enough Funds	54	36
Time Constraints	21	14
Poor Attitude about the Bank	32	21.3
Lack of commitment from staff	11	7.3
<b>Total</b>	<b>150</b>	<b>100</b>

**Source:** *Primary Data, 2023*

From the findings in table 4.2, majority of the respondents (36%) pointed out that the bank faces the challenge of lack of enough funds,

21.3% of the respondents pointed out competition and poor attitude about the bank, 14% of the respondents said that it was the challenge of time constraints, while 7.3% of the respondents said that it was lack of commitment from the bank. The above finding implies that the biggest challenge in implementing CSR is lack of enough funds. In accordance with the qualitative findings, one of the respondents pointed out that;

*...it is expensive for the bank to support some of the community events since the resources are not adequate... (Field Data, 2023).*

Therefore, financial constraint is one of the major challenges that commercial banks face in implementing CSR Programs. It is also interesting to note from the findings in above table 4.2 that competition and poor attitude about the Bank are also major challenges that the bank face in implementing CSR activities. This is also in line with one of the key respondents<sup>2</sup> who was quoted saying;

*...people have a negative perception on ABSA Bank, that it only belongs to rich people which is not the case.’ And another one pointed out ‘competition is tight...*

All the above findings imply that the bank faces challenges in implementing Corporate Social Responsibility Programs.

## **5.0 Discussion of findings**

The study established that the bank engages in sports activities, supports health and education programs and giving financial support to the orphans in the communities. By engaging in the above, and other related activities, the bank has built its corporate image. The above findings agree with Vaitkevicius and Stukaite, (2009) who argued that organizations engage in CSR to improve the well-being of society, comply with ethical, moral and environmental norms and foster relationships with stakeholders. The above findings also support the social contract theory or paradigm by Dusuki (2009) that asserts that a business is regarded as a social institution and should join with other

social structures like the family, educational system and religious institutions, to help enhance life and meet needs.

Besides, majority of the respondents agreed that the bank faces challenges related to lack of enough funds, competition and poor attitude about the bank. Also, the study findings indicate that CSR activities by commercial banks are simply avenues for drumming up good public Relations. The above findings concur with Chikati (2010) who stressed that businesses invest a comparatively small amount into community projects and then use their efforts to promote their brand and gain access to markets all around the world. The findings that public relations and brand building the banks receive far outweighs their investment in socially responsible projects.

### **Study implications**

The above findings imply that managers of commercial banks must view institutions as “social entities” which must relate with their environment. This enhances corporate image which is an asset to banks. The study provides financial institutions with deeper understanding of CRS so as to devise strategies of reaching out to their customers during the time of need.

In terms of investments, the study is of great help to financial institutions since it forms a basis for incorporating CSR in their budgetary planning process. Commercial banks benefit a lot in terms of their public reactions despite investing less in CSR related activities. Hence, they could reap significantly if CSR is part of their budgetary planning process.

### **6.0 Conclusions**

The findings from this study showed that majority of the respondents (53%) pointed community related activities as the major CSR programs that ABSA bank Mbarara engages to enhance image. The study further found out that majority of the respondents (36%) pointed out that bank faces the challenge of lack of enough funds. The study also discovered

that CSR activities by Absa banks is perceived as simply trying to drum up good public relations.

### **6.1 Recommendations**

Most respondents pointed out challenge of commercial banks in doing CSR was the problem of lack of enough funds. The study recommends that Commercial banks need to embed a substantial amount of money in their Annual Budget dedicated to CSR Activities. Also, commercial banks could partner with non-governmental organizations to carry out CSR activities.

Furthermore, commercial banks should consider entering dialogue with civil society and government on different CSR issues. Civil Society Organizations (CSO's) and Government are a rich source of information and provide the basis for future partnership with the public sector. CSO's enable businesses to learn about best CSR practices (including those of their competitors), contribute to identify the needs of key stakeholders and can help identify risks and businesses opportunities.

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## REFERENCES

- Ailawadi, K.L.; Neslin, S.A.; Luan, Y.J.; Taylor, G.A. Does retailer CSR enhance behavioral loyalty? A case for benefit segmentation. *Int. J. Res. Mark.* **2014**, *31*, 156– 167.
- Amaeshi, K. et al. (2006). „Corporate Social Responsibility in Nigeria: Western Mimicry or Indigenous Influences? “ ICCSR Research Paper Series. pp. 4,17, 25. The University of Nottingham
- Asian Development Bank (2005) Asian Environmental outlook. Making Profits
- Berger-Walliser, G., & Scott, I. (2018). Redefining corporate social responsibility in an era of globalization and regulatory hardening. *American Business Law Journal*, *55*(1), 167-218.
- Besser, T. L. (2012). The consequences of social responsibility for small business owners in small towns. *Business Ethics: A European Review*, *21*(2), 129-139.
- Bowen H. R. (1953). *Social responsibilities of the businessman*. Harper.
- Brown, D., & Knudsen, J. S. (2012). Managing corporate responsibility globally and locally: Lessons from a CR leader. *Business and Politics*, *14*(3), 1-29.
- E. Ite, U. (2004). Multinationals and corporate social responsibility in developing countries: a case study of Nigeria. *Corporate Social Responsibility and Environmental Management*, *11*(1), 1-11.
- Fang-Mei Tai, Shu-Hao Chuang (2014); Corporate Social Responsibility, Vol.06 No.03(2014), Article ID:49900,13 pages10.4236/ib.2014.63013
- John Chikati (2008) Corporate Social Responsibility in Africa. - 1st ed. - Nairobi: Prepared Publishing Department, c2010. - x, 157 p.; 21 cm. - A Regional Partnership for Resource Development Publication.

- Kala, p. corporate social responsibility: issues & challenges. *From the Editor's Desk.*?, 56.
- Siwar, C., & Hossain, T. (2009). An analysis of Islamic CSR concept and the opinions of Malaysian managers. *Management of Environmental Quality: An International Journal*, 20(3), 290-298.
- Stanbic, dfcu appears among the top 20 banks in East Africa (independent.co.ug)- Accessed 09/04/2023
- Tai, F. M., & Chuang, S. H. (2014). Corporate social responsibility. *Ibusiness*, 6(03), 117.
- Vaitkevičius, S., & Stukaitė, D. (2009). Formation of corporate social responsibility based on rational behavior. *Economics and Management*, (14), 624-632.
- WBCSD (1999) Corporate Social Responsibility, World Business Council for Sustainable Development 10 Biggest banks in Uganda (2023) - MakeMoney.ng – Accessed 31/03/2023
- Zhang, Q., Oo, B. L., & Lim, B. T. H. (2019). Drivers, motivations, and barriers to the implementation of corporate social responsibility practices by construction enterprises: A review. *Journal of cleaner production*, 210, 563-584.

