

LITIGATION REPORT
Corruption in Angola -- A Human Rights Violation

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CORRUPTION IN ANGOLA, A HUMAN RIGHTS VIOLATION – EXECUTIVE SUMMARY

Angola is one of the wealthiest nations in the world in terms of natural resources. However, due to gross mismanagement and illegal activities of the Angolan government, it is ranked as one of the poorest in the world for its people. From 1997 to 2002, the Angolan government lost or pilfered over \$4 billion dollars, which equals all of the social spending (including aid) to Angola's people in the same period.

This paper, *inter alia*, focuses on litigation strategies to combat this rampant corruption with the aim of improving the lives of Angolans. The paper analyzes the various forums in which to challenge the malfeasance of Angolan officials, including the Angolan court system, the recently merged African Court of Human and Peoples Courts/African Court of Justice, the Permanent Court of Justice and various UN human rights agencies.

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SUMMARY

Angola is one of the wealthiest nations in the world in terms of natural resources. However, due to gross mismanagement and illegal activities of the Angolan government, it is ranked as one of the poorest in the world for its people.ⁱ

From 1997 to 2002, the Angolan government lost or pilfered over \$4 billion dollars, which equals all of the social spending (including aid) to Angola's people in the same period. These actions violate both Angolan domestic law and international law.

Part I of this report is a STATEMENT OF FACTS that will discuss the history of Angola, its vast natural resources, its wealthy and expanding economy and its dire record on social care. It will also show rampant corruption in Angola. Part II, the ISSUES OF LAW section, will detail how this corruption is a violation of domestic and international law. Part III, the AVENUES OF LITIGATION/ FORUM section, will discuss the potential avenues and forums for litigation for a potential plaintiff. Part IV will offer CONCLUSIONS AND RECOMMENDATIONS relating to the facts, issues of law, and avenues for litigation.

STATEMENT OF FACTS

Great Wealth and Great Misery

A legal scholar noted that “Angola is rich in oil, diamonds, and misery.”ⁱⁱⁱ The story begins in Angola with its history, which is a difficult one.ⁱⁱⁱ After 500 years of colonial rule, Angola finally achieved independence from Portugal in 1975. In the ensuing civil war, an estimated 1.5 million people were killed and 4 million were displaced.

The current President of Angola, Jose Eduardo Dos Santos, has been in office since 1979. He is a member of the Popular Movement for the Liberation of Angola (MPLA), which was one of the factions in the civil war along with the National Union for the Total Independence of Angola (UNITA), led by Jonas Savimbi.^{iv} After contested elections in 1992, renewed fighting ended only with the death of Savimbi in 2002. New elections are scheduled for 2007 but most likely will not be held until 2008 or 2009.^v

Angola is a wealthy country. It is large in area, with diverse and valuable mineral resources, abundant internal waterways, a large coastal sea, a varied and agriculturally valuable climate, and a large and youthful population.

It is the third largest nation in Africa south of the Sahara, with an area of slightly less than twice the size of Texas. Located on the West Coast of Africa bordering Namibia, it is the largest Portuguese-speaking country in Africa, with natural resources including petroleum, diamonds, and gold. Its population is approximately 12 million people, of whom 43% are 14 years old or younger.^{vi} The World Bank notes that, “[t]he vast and diverse territory hosts a large concealed economic potential.” Among the abundant natural resources there is plenty of water from the Kwanza River that provides for hydroelectric power plants and irrigation; amid mineral resources there are abundant oil, diamonds, iron, quartz, ornamental stones and phosphate reservoirs.^{vii} The diversity of climate in Angola, from dry and cool to hot and humid allows for the growth of crops from both tropical and more temperate zones.

Angola is the second largest oil producer in sub-Saharan Africa. According to the World Bank, “Angola is a country blessed with vast stocks of natural resources, of which oil and diamonds alone account

for more than half the country's gross domestic product and over 90% of its exports.^{viii} As oil revenue grows, so does Angola's economic wealth. Nonetheless, aid continues to pour into the country, recently highlighted by a 2 billion dollar line of credit from China in 2005.^{ix}

Despite its wealth, Angola is one of the worst countries in the world for its people. The Human Development Index ranks Angola at a pitiful 166 out of 177 countries surveyed.^x According to the World Bank, seventy percent of Angolans live on less than two dollars a day.^{xi} The majority of Angolans lack access to basic healthcare; three in five people do not have access to safe water or sanitation, and one in four children die before reaching five years old.^{xii} The maternal mortality rate is one of the highest in sub-Saharan Africa, life expectancy at birth is 42.4 years, and seventy-seven percent of Angolans are illiterate.^{xiii}

Inequality within Angola is also on the rise. Angola's Gini Coefficient, a measure of income inequality, is .54 to .62 according to the World Bank's household budget survey in 2001, "making Angola one of the most unequal countries in the world, in terms of income distribution."^{xiv} One might ask, how can a nation be so wealthy, and yet so poor? The answer largely is corruption, both within the Angolan government and between the State and foreign entities. All of this is in violation of international and domestic law. The following section details these abuses.

Rampant Corruption

From 1997 to 2002, the Angolan government siphoned over \$4 billion from SONANGOL, the state-run oil company.^{xv} The International Monetary Fund, in its "Oil Diagnostic" of 2002, stated that *billions* of dollars illegally bypassed the Angolan central bank.^{xvi} Human Rights Watch agreed, stating in a 2004 report that "in recent years, literally billions of dollars in oil revenues have illegally bypassed the central bank and remain unaccounted for."^{xvii} It stated that the figures were "staggering," with \$4.22 billion dollars missing over a five year period.

Global Witness (an NGO focusing on misuse of mineral resources) detailed the disastrous effects succinctly, stating that:

Nowhere are the devastating effects of revenue misappropriation and state corruption more starkly illustrated than in Angola, where one in four children will not live to see the age of five. One in four is also the ratio of money that disappears from the state budget each year. The two figures are related: while most Angolans suffer devastating poverty, oil income has enabled some top officials of the ruling Movimento Popular de Libertação de Angola (MPLA) to become very, very rich. As one Angolan journalist puts it: ‘the workers’ party has become the millionaires’ party’.^{xviii}

The Oil Diagnostic asserted that missing revenues are a failure of government to uphold accountability, the rule of law, and human rights. It added that in the same years, total social spending in the country as well as initiatives funded through the United Nations’ Consolidated Inter-Agency Appeal, came to \$4.27 billion. In sum, the report stated that the government has not accounted for an amount roughly equal to the total amount spent in the period on a “population in severe distress.”

Investigative journalists have found that hundreds of millions (even billions) of dollars have disappeared into offshore accounts linked to Angolan government officials. According to a 2002 report by investigative journalists Phillip van Niekerk and Laura Peterson, “[o]n July 15, 2000, the Marathon Oil Company sent \$13,717,989.31 to an account in Jersey, an island in the English Channel with stringent bank secrecy laws. The owner of the Jersey account was SONANGOL, Angola's state oil company. The sum represented one-third of a bonus that the Houston, Texas-based company agreed to pay the Angolan government a year earlier for rights to pump the country's offshore oil reserves.”^{xix}

The article goes on to state that on the same day, SONANGOL transferred the identical sum out of the Jersey account to an unknown location. Over that summer, large sums of money traveled to accounts of a private security company owned by a former Angolan minister, a charitable foundation run by President Dos Santos, “and a private Angolan bank that counts an alleged arms dealer among its shareholders.”^{xx}

These abuses continue today. Human Rights Watch noted after Angola’s acceptance to OPEC in 2007, and that despite its great wealth, Angola continues to commit human rights violations to hide its corrupt practices.^{xxi} In November of 2006, Angola arrested approximately 110 protestors on their way to the French embassy in Luanda to protest government corruption. News reports claimed that protestors were distributing pamphlets that accused the government of “siphoning away billions of dollars that belong to the Angolan people” and keeping the money in France.

Arvind Ganesan, director of the Business and Human Rights program at Human Rights Watch stated that “[a]rresting critics shows the government isn’t serious about reforms to improve transparency and curb corruption.”^{xxii} He added that these arrests are meant to stifle efforts at accountability relating to oil revenues.^{xxiii} Finally Ganesan states that Angola should “publicly account for how it spends the country’s massive oil wealth instead of harassing citizens who criticize corruption.”^{xxiv}

Human Rights Watch also linked corruption to economic, social, and cultural rights. In a 2004 report, it stated that due to a lack of funding of social programs, “millions of Angolans continue to live without access to hospitals and schools, in violation of the government’s own commitments and human rights treaties to which it is a party.”^{xxv}

The United States government agrees that the corruption continues. A 2006 State Department noted that the state oil company, SONANGOL, was required to report revenues to the central bank and the Ministry of Finance, but information gaps and inconsistent accounting practices continued. SONANGOL remained an extra-governmental merchant banker and although audits were done on SONANGOL and ENDIAMA (state diamond marketing company) “serious transparency issues” still continue.

The State Department also noted that business practices continued to favor those connected with government and “[p]etty corruption among police, teachers, and other government employees was widespread.” The Audit Court found that 5 high-level officials from the Ministry of External relations, including the Secretary General and the Director of Administration and Budget Management, had taken more than \$9 million from the ministry.^{xxvi}

A 2007 Human Rights Watch article also highlighted Angola’s continuing lack of transparency in accounting. It noted that Angola ranked 142 out of 163 countries by Transparency International in its 2006 Corruption Perceptions Index.^{xxvii} The article also noted that the International Budget Project (a non-governmental organization that measures government budget transparency) reported that Angola was “one of the most opaque countries for budget transparency” in its 2006 survey of 59 countries.^{xxviii}

The link between corruption and human rights violations also appears to be ongoing. On February 19, 2007, a British Global Witness campaigner was arrested in Angola on charges of espionage for her work investigating transparency in the Angolan oil sector.^{xxix} She was eventually released.

A July 19, 2006 IMF report stated that there has been little progress on “structural or governance issues.” The IMF credits these issues to contributing to low international investor perceptions, and is perhaps best exemplified by the ongoing conflict of interest with SONANGOL. The report also noted that transparency in the extractive sectors is an outstanding agenda item.^{xxx} Finally, the report added that the Angolan government has made no “comprehensive response” to the IMF’s “Oil Diagnostic Study” of 2004.^{xxxi}

The Near Future

The World Bank states that “[t]he Angolan Economy will experience a massive windfall with a concomitant fiscal gain during the second half of this decade and throughout the next decade,” and that “[a]ppropriate management of oil wealth will require improvements in the areas of governance, transparency and institutional capacity.” The CIA World Factbook stated that “[t]o fully take advantage of its rich national resources...Angola will need to continue reforming government policies and reduce corruption.”^{xxxii}

As of yet, Angola has not done so. The next section, ISSUES OF LAW, will detail the sources of law that make this corruption illegal.

ISSUES OF LAW

Issues Presented and Definition of Corruption

Corruption occurs on a massive level in Angola. It is also a worldwide problem that keeps billions of people in poverty. Official corruption is a violation of the domestic law of Angola, international treaty law, and customary international law.

This section of the paper will discuss specific sections of treaties, statutes, and conventions that the Angolan government violated. It will also discuss case law and scholarly analysis that forms the basis for a claim of a violation of law – both domestic and international.

The definition of corruption is expanding in international law. Corruption is defined as the "abuse of public power for private benefit,"^{xxxiii} the "intentional non-compliance with arm's length relationship aimed at deriving some advantage from this behavior for oneself or related individual[s],"^{xxxiv} and/or "the behavior of persons with public or private responsibilities who fail to fulfill their duties because a financial or other advantage has been granted."^{xxxv} Examples of government action that violates these principles are fraud in awarding of government contracts, siphoning funds from the public treasury, and using government money to maintain power.

Corruption occurs throughout Africa and the world, yet Angola is highlighted as one of the worst offenders. In Africa, examples include Equatorial Guinea, where the President is accused of diverting \$300 million of his country's oil revenues to a Washington, D.C. bank account, while the people of Equatorial Guinea live on less than \$1 per day.^{xxxvi} Similarly in Nigeria, President Sani Abacha is accused of taking \$1 billion from the state treasury.^{xxxvii}

On a continent where corruption is rampant, Angola is "often cited as the most egregious example of how the corrupt use of natural resources can be detrimental to human development and therefore to human rights."^{xxxviii}

Angola Has Violated its Own Domestic Law

The siphoning of \$4 billion from 1997 to 2001 is a violation of Angolan law. Evidence shows that oil revenues illegally bypassed the National Bank of Angola (the BNA) by going through the state-owned oil company SONANGOL, or through the presidency.^{xxxix}

The actions of the government here violate Angolan Domestic Decree 30/95 (1995), which states that all oil revenue must go directly to the BNA and must not be siphoned through any other entity.^{xi}

Also, the Angolan Constitution was amended in 1992 to include corruption as a punishable offense. Article 54, section (f) states that “[h]olders of political posts shall be civilly and criminally answerable for actions and omissions committed in the discharge of their duties.”^{xli}

Accordingly, the actions as recounted in the STATEMENT OF FACTS violate Angolan domestic law.

Angola Has Violated International Human Rights Law

The actions of the Angolan government are in also violation of international human rights law. These rights are detailed in the various instruments that collectively form the International Bill of Human Rights.

First, Article 17 of the Universal Declaration of Human Rights states that “no one shall be arbitrarily deprived of his property.” By siphoning funds dedicated to the people of Angola, the government has deprived them of their property.

Second, Article 25 of the International Covenant on Economic and Social Rights (ICESR) states that “nothing in the present covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.” Angola ratified the ICESR on April 10, 1992. Also, Angola criminalized corruption with Constitutional Provision 54(f), referenced above. The government of Angola, by using public office for private gain, has impaired the rights of Angolans to utilize their vast resources.

Third, Article I, Section 2 of the International Covenant on Civil and Political Rights (ICCPR) states

that “ in no case may a people be deprived of its own means of subsistence.” Angola ratified the ICCPR on January 10, 1992. By directing funds to outside sources rather than deposit into the state treasury, the Angolan government has deprived its people of their means of subsistence. Angola has been accused of other violations of the ICCPR, highlighted by the 2005 case of *Rafael Marques v. Republic of Angola*.^{xlii} Marques is an Angolan journalist who was held while investigating corruption in Angola. He took his case to the UN Human Rights Committee, which held that the actions of Angola violated his freedom of expression under the ICCPR.

Finally, Article 21 of the African Charter on Human and Peoples Rights, states that “in no case shall a people be deprived of [the right to freely dispose of their wealth and natural resources].” Here again the Angolan government has deprived the people of their right to dispose of their wealth.

A demonstrated link between corruption and human rights law is still evolving. However, Human Rights Watch recently made the specific link between oil revenue and human rights violations in Angola. That is, it is a human rights violation to allow thousands to die and millions to be displaced due to official corruption.^{xliii} Human Rights Watch asserts that government corruption constitutes a per se violation of human rights. Others feel that the link is not direct, but that corruption creates an environment where it is impossible for a government to provide other economic, social, civil and political rights.^{xliv}

Still others assert that corruption is a violation of human rights in that it destroys human dignity, adds to economic uncertainty, and hinders necessary development. Laurence Cockcroft of Transparency International notes that corruption concentrates resources in the hands of government elites and robs people of human dignity.^{xlv} In Angola’s case, monies raised through deals with foreign oil companies were placed into the pockets of government officials. This slows development of Angola’s own resources, creating a mood of economic uncertainty which leads to a slowing of economic development.

Legal scholars have also linked corruption and human rights violations. Dean Grossman of American University's Washington College of Law states that “[o]fficial corruption is much more than just a financial problem...[i]t is a violation of human rights.” Other scholars have made similar arguments, stating that good governance is also a human right. Professor Ndiva Kofele-Kale states that the right to full use of

resources by the people of a country is not just a human right, but also a fundamental one, an *obligation erga omnes*, an international obligation to ensure that the right is guaranteed. ^{xlvii}

Although many have asserted that corruption is a human rights violation (or linked to a human rights violation) the “International Bill of Rights” contains no specific right to be free from government corruption. ^{xlviii} Thus, it may be prudent for a potential plaintiff to note that Angola has also acted in violation of international anti-corruption law.

Angola Has Violated International Anti-Corruption Law

The UN Convention Against Corruption (UNCAC) was adopted on October 31, 2003 by the UN General Assembly. It is sanctioned by 140 nations, representing an international consensus on state responsibility for corruption, including prevention, criminalization, and cooperation. The Convention was entered into force on December 14, 2005. ^{xlviii}

The Convention consists of eight chapters, and 71 articles detailing these procedures and includes a section on “Mechanisms for Implementation” (Ch. 7). It covers both public and private sector corruption, and utilizes a broad definition of corruption.

The UNCAC, which Angola ratified on May 8, 2006, states that “[e]ach party shall endeavor to establish and promote effective practices aimed at the prevention of corruption.” The resolution recognized the need for an effective legal instrument to combat corruption, independent from the United Nations Convention against Transnational Organized Crime. The Preamble to the UN Convention Against Corruption speaks of the threats posed by corruption to the international community citing the undermining of “democratic institutions, ethical values, justice, sustainable development, and the rule of law.”

The UN Convention requires states to criminalize corruption that may not already be criminal under its own domestic law. Actionable criminal conduct includes bribery of national or foreign officials, embezzlement, misappropriation of public funds, and laundering of the proceeds of corruption. In other cases, the Convention requires states to "consider adopting" legislation that criminalizes influence trading,

abuse of office, illicit enrichment, private sector bribery, and embezzlement. As stated earlier, Angola has already done so.

The UN Convention urges nations to implement anti-corruption practices and agencies, ethical codes of conduct for public officials, financial disclosure rules, and disciplinary measures. The Convention also directs state parties to ensure that public services are subject to anti-corruption safeguards. This includes specific provisions for the public sector, the judiciary, and in public procurement.

On April 5, 1996, Angola created the High Authority Against Corruption in accordance with the UN Convention. Article 2 of this Authority states that it is “an independent body that functions side by side with the National Assembly and has as its objective to develop actions of prevention, investigation, and participation for the competent entity in order to take penal or disciplinary action against acts of corruption.”^{xlix} Although Angola did act to create this High Authority, apparently it has not yet created “effective measures” to halt rampant corruption. The government is thus presumably acting in violation of the Convention to which it is a party.

The African Union Convention on Preventing and Combating Corruption (AUCPCC) came into force on August 4, 2006 and has been signed by 40 of the 53 member states of the African Union. The AUCPP represents a regional consensus with the same general goals as the UNCAC.¹ It contains 28 Articles including a Follow up Mechanism (Art. 22). It, too, covers public and private sectors, has a broad definition of corruption, and includes criminalization. Its level of obligation is mandatory.

The convention came into force on August 4, 2007. Angola has signed (on January 22, 2007) but has not ratified the AUCPP.^{li} The *Anti-Corruption Trust of Southern Africa* wrote a report recently on signatories of anti-corruption measures in Southern Africa in 2007. It urges Angola to ratify the AUPCC.^{lii}

There are differences in the UN and AU conventions that are well detailed at the *Anti-Corruption Resource Center's* website.^{liii}

Angola Has Violated Customary International Law

Angolan government corruption rises to the level of a violation of customary international law. Customary international law is defined in Black's Law Dictionary (8th ed, 2004) as "[i]nternational law that derives from the practice of states and is accepted by them as legally binding."

The rhetoric of African states about fighting corruption (along with the treaties and conventions noted above), suggests that Angola is in violation of customary international law. This contention is based on the illegality of corruption in Africa generally, recent case law, and the work of international non-governmental organizations.

First, corruption is illegal under the laws of nearly every African state including Angola. In fact, corruption is expressly prohibited in several constitutions, again, including Angola.^{liv} A legal scholar noted that "Africa's leadership is so concerned about the problem of corruption that hardly a day goes by without some government entity publicly criticizing corruption and its cancerous effects on African society."^{lv}

In Africa, this "cancer" of corruption began in the period right after colonialism. Post-colonial leaders anticipated this issue and implemented early laws that punished offenders by criminalizing the misuse of public funds by public officials. Examples include Ghana's Public Property and Corrupt Practices Act of 1962, and Nigeria's State Security (Detention of Persons) Decree of 1984.^{lvi} Leaders then stated that they were "[c]onvinced of the need to formulate and pursue, as a matter of priority, a common penal policy aimed at protecting society against corruption." These policy concerns culminated in and are embodied by the AUCPCC.

Second, several high level cases demonstrate that Angola's corruption is a violation of accepted behavioral norms that have legal enforceability. For example, in 2004 the World Bank punished Acres International Limited for a violation of its procurement standards. Similarly in Lesotho, prosecutors used an anti-corruption statute to hold a major multinational corporation and high-ranking officials criminally liable. The Court of Appeals in Lesotho stated that the prosecution and conviction of the defendants were "milestones on the road...to greater morality in the initiation and management of development activity."^{lvii}

Another case was the Elf Aquitaine scandal in 2003, where senior officials of Elf embezzled \$350

million from Wlf, the major oil company formerly owned by the French government. Charges were brought against thirty-seven defendants in one of the largest cases in French history. In the case, a German diplomat and French spy were accused of taking forty million pounds in commissions in 1992, out of which kickbacks were paid to African leaders such as Dos Santos of Angola. These payments may have secured oil deals for Elf. After this case, the French National Assembly passed a law banning bribery in connection with business contracts.

The British newspaper, *The Guardian*, called the Elf case “probably the biggest political and corporate sleaze scandal to hit a western democracy since the second world war.”^{lviii} It ended with three “key” former executives being jailed for up to five years.

Another prominent case was the corruption trial of Frederick Chiluba in Zambia. In 2002, Zambia’s Parliament voted unanimously to lift immunity from Former President Frederick Chiluba, in relation to a corruption prosecution. This allowed the government to proceed with a trial on corruption and abuse of office. Mr. Chiluba and several top officials were charged with 168 counts of theft, totaling over \$40 million. The prosecution stated that Chiluba presided over a “permissive culture of corruption” that contributed to Zambia becoming one of the poorest countries in the world.

Third, Angola has violated the practice of states as demonstrated through the work of international NGOs. Almost all international aid and lending institutions have anti-corruption campaigns in effect.^{lix} International institutions are starting to act as monitoring agencies on official corruption.^{lx} This includes the International Monetary Fund’s explicit mandate to combat corruption, and the World Bank placing greater emphasis on corruption. Ancillary to this effort are the transparency and good governance international NGO movements.

Summary of Issues of Law

The corrupt actions detailed in the STATEMENT OF FACTS are a violation of Angolan domestic law and International law. A plaintiff hoping to bring a case against the Angolan government should note that the government action violates Angolan domestic law, international human rights law, international anti-corruption law, and customary international law.

A potential plaintiff would then need to find an avenue and forum to bring the case. The next section of this report, POTENTIAL AVENUES OF LITIGATION/FORUM, details some possibilities.

POTENTIAL AVENUES OF LITIGATION/FORUM

There are various legal avenues in which to bring a human rights claim against the government of Angola, including both Angolan domestic and African Regional courts. Other non-litigation avenues of combating corruption are covered in the APPENDIX section of this paper.

Angolan Domestic Courts

A plaintiff may first attempt to bring a claim in an Angolan domestic court. However, Angola's weak and dependent judicial system makes it unlikely that a corruption claim will be successful. There are three basic problems with bringing a claim in the Angolan domestic courts.

The first problem is that the two-tiered Angolan court system, based on Portuguese civil law, is highly flawed procedurally. There are long delays and judges are normally lay persons rather than licensed lawyers. A U.S. State Department report notes that Angola's legal system is "weak and fragmented," and only operates in a fraction of Angola's 164 municipalities.^{lxi} This means that basic rights are generally not protected. The same report went on to state that despite Angola's Constitutional recognition of the basic rights to a defense, appeal, counsel, and public trials, "the Government does not respect these rights in practice."

The second problem is that Angolan courts are not independent. The State Department notes that "[t]he Angolan Constitution provides for an independent judiciary," but the judiciary bows to "political pressure from the presidency" and this affects the outcome of cases. The Angolan judicial system lacks the "means, experience, training and political backing to assert its independence." Moreover, the President has "strong appointive powers" including the power to appoint Supreme Court Justices without confirmation of the National Assembly.^{lxii}

The third problem is that there is a real lack of confidence in the judiciary in Angola. A 2001 survey by the Attorney General's office found that 65 percent of the survey group reported a "lack of confidence in government institutions to protect their rights." There is also a general perception in Africa that the

“judiciary is corrupt,” according to a May 2007 article of *The Nation* newspaper (Nairobi).^{lxiii} Although Angola was not specifically surveyed in the article, it discussed the region of sub-Saharan Africa where “political influence over the selection of judges” is seen to be a particular problem. According to the article, one in five people who interacted with the judicial system paid a bribe. A quip from Kenya asked, “[w]hy hire a lawyer, if you can buy a judge?”^{lxiv}

In June 2007, the UN mission in Cote d’Ivoire (ONUCI) stated that judicial corruption was so widespread that “people have come to believe, even though fortunately it’s not always the case, that it is impossible to get a favorable decision without handing over money.”^{lxv} Clearly, with a weak and dependent judiciary, the situation is ripe for the same corruption in Angola.

These problems have been demonstrated in the two recent cases of a journalist and human rights activist in Angola. The first was the *Marques* case detailed above.^{lxvi} The second, the case of Dr. Sarah Wykes, a well-respected human rights activist for Global Witness, in February of 2007, demonstrates that the problem is ongoing. Wykes was researching the lack of transparency in the oil-rich region of Cabinda when she was arrested and charged with espionage.^{lxvii}

Global Witness and Transparency International fought for her release proclaiming that the charges were “baseless,” and would have long-term effects on accountability in Angola, which has “so far made little progress in fighting corruption.”^{lxviii} Due to these ongoing problems in the Angolan domestic courts, it seems unlikely that a claim could be brought successfully there. Alternatively, a plaintiff may attempt to bring a claim in the African Regional court.

African Regional Courts

The African Regional tribunals include the African Commission on Human and Peoples’ Rights, the African Court of Justice, and the African Court on Human and Peoples’ Rights. These forums have sanctioning authority under the African Charter on Human and Peoples’ Rights and are organs of the African Union.

The African Union (AU) is an organization consisting of fifty-three African states, including Angola.^{lxi} The AU was established in 2001, as successor to the African Economic Community first and then the Organization of African Unity. The purpose of the AU is to help secure democracy, human rights and a sustainable economy.

There are three judicial bodies within the AU system, the African Commission on Human and Peoples' Rights, the African Court of Justice, and the African Court on Human and Peoples' Rights. The African Commission on Human and Peoples' Rights (The African Commission) considers individual complaints of violations of the African Charter on Human and Peoples' Rights (The African Charter). It came into force in 1986 when the Charter was adopted. The African Charter is an instrument similar to the European and American Conventions on Human Rights.^{lxx} Angola ratified the ACHPR on February 3, 1990.^{lxxi} Recently, the African Commission has been merged into the African Court.

The African states strategically omitted the creation of a court in their negotiations. Instead, the African Commission was created with weakened powers and is unable to make binding decisions.^{lxxii} The Commission mandate permits it to “collect documents, undertake studies and research on African problems in the field of human and peoples, rights, organize seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights and, should the case arise, give its views or make recommendations to governments.”^{lxxiii}

It is clear that the African Commission does not have specific sanctioning powers and can only make recommendations to member countries. The Commission works with two African courts, however, which do have this power.

The two African regional courts are the African Court of Justice (ACJ) and the African Court of Human and Peoples' Rights (ACHPR). The courts have recently merged and the current status of the Court is detailed beginning on page 20 of this report.

When it was created in 1999, the African Court of Justice was intended to be the “principal judicial organ of the Union.”^{lxxiv} The Protocol provides broad power to the Court, giving it jurisdiction not only over matters under the Constitutive Act of the African Union, other AU treaties and instruments promulgated

thereunder, but also over any question of international law.”^{lxxv} However, the Protocol establishing the Court has only been ratified by 12 of the 15 necessary states for it to come into force.^{lxxvi}

The ACHPR came into force in 2004, and has recently merged with the ACJ. It was created to compliment the Commission. (See Protocol for Establishment of an African Court, arts. 2, 5(1). The Commission is entitled to submit cases to the African Court.)^{lxxvii}

The ACHPR is a fledgling organization with no cases as of yet. On January 22, 2006, the African Union elected the first eleven Judges of the court. The judges are from 11 of the 53 member states of the African Union and include former domestic supreme court members, law professors, and a Special Rapporteur (title given to individuals working on behalf of the United Nations with a special mandate from the UN Commission on Human Rights to investigate, monitor and recommend solutions for human rights issues).^{lxxviii} The judges are elected for renewable six-year terms and must be of “high moral character and of recognized practical, judicial or academic competence and expertise in the field of human and peoples’ rights.”^{lxxix}

The formation of the ACHPR is a vital step in creating a viable African Court. According to an article by Scott Lyons,^{lxxx} the creation of the court after “decades of arduous negotiations” is “possibly a watershed moment in human rights enforcement in Africa.” He added that despite genocide in member states it took decades to create “the beginning of true human rights enforcement in Africa.” Lyons adds that as the Commission is simply an advisory body, and because the ACJ has not come into force, prior to the ACHPR there “there was no mechanism for enforcement and compliance of human rights.”

In July of 2004, the AU Assembly resolved that the African Court on Human and People’s Rights would merge with the African Court of Justice. In July of 2005, the AU Assembly decided that the ACHPR should be called to order despite the fact that the protocol establishing the African Court of Justice had not yet come into effect. On January 22, 2006, the Executive Council of the African Union, meeting in Khartoum, Sudan, elected the first judges of the African Court on Human and People’s Rights. The relationship between the Court and the Commission is still being established.^{lxxxi}

Lyons stated, “[f]inally, there is a draft process for merging the African Court of Justice, designed to address inter-State conflicts, into the newly constituted African Court of Human and Peoples’ Rights. The African Court of Justice has never come into force, and the hope is that the merging of the two courts will provide an additional forum for resolving conflicts in Africa and prevent another lengthy process of establishing a new court. Thus, the result of the creation of the African Court on Human and Peoples’ Rights may be that a de facto African Court of Justice is also created.”^{lxxxii}

The other regional courts are the Inter-American Court of Human Rights and the European Court of Human Rights.^{lxxxiii} There are differences with these courts and the African courts which will not be discussed in depth in this paper. One relevant difference is that in the African Court, individuals and non-governmental organizations have a right to bring cases to the Court, unlike the Inter-American Court (where they do not have standing and can only bring a claim in front of the Commission). This individual right is found in sections 5 and 34 of the Protocol to the African Charter on the Establishment of the African Court of Human and Peoples’ Rights.^{lxxxiv}

Human rights advocates are disappointed however, because “[t]he African Court falls short of the allowances of the European Court of Human Rights.” In the African Court, individuals and NGOs can only bring cases if they are recognized as having observer status.^{lxxxv} This status may be obtained by an NGO by submitting a “documented application to the Secretariat of the Commission,” and showing a “willingness and capability to work for the realization of the objectives of the African Charter on Human and Peoples’ Rights.”^{lxxxvi}

However, according to Julie Harrington of the Justice Initiative, the provisions in the Optional Protocol concerning the ongoing merger of the African Court of Justice and the African Human Rights Commission may include a provision “that bars direct access to the court by victims and NGO absent a special declaration.”^{lxxxvii} So far, only Burkina Faso and Mali have issued declarations accepting the Court’s competence to hear cases from Individuals and NGOs.^{lxxxviii} [Edit: According to a July 14, 2008 report by the Coalition for an Effective African Court on Human and Peoples Rights, individual or NGO complaints will *not* be entertained directly by the Court unless the target country has made an effective Declaration, as

have Burkina Faso and Mali, agreeing to the Court's jurisdiction over such complaints. However, those complaints can be brought to the Court by the Commission as well as African National Human Rights Institutions (NHRI), African Intergovernmental Organizations accredited to the Union or its organs, the African Committee of Experts on the Rights and Welfare of the Child, and State parties to the new Protocol. See http://www.africancourtcoalition.org/editorial.asp?page_id=162.]

On July 17, 2008, at the 11th AU Summit, the merger of the African Courts was completed with the creation of the new African Court of Justice and Human Rights.^{lxxxix} At this Summit, the Assembly of Heads of State and Government adopted the "Protocol on the Statute of the African Court of Justice and Human Rights." This Court is now the main judicial organ of the African Union. However, the new Protocol does not clearly indicate how cases will ultimately be brought to the Court, or what rules will ultimately be used, but it is certainly a step in the right direction.

In sum, it is more likely that a corruption claim could be successfully brought in one of the African regional judicial bodies. The African Commission does not have sanctioning power. Thus, a complainant would likely want to bring a claim in the newly merged ACJ and ACHPR. However, this is a fledgling body, and it is unclear which cases will be heard and when.

This lack of jurisdictional clarity is not a problem experienced in the United Nations, where claims have already been brought against Angola (as with the *Rafael Marques* case) and there is a well-established system. Thus, a potential plaintiff may try to bring a case to one of the United Nations' human rights agencies.

The United Nations

The United Nations system, which promotes and protects human rights, consists of two types of judicial organs. Those created under the UN Charter, and those created under international human rights treaties. The Office of the High Commissioner for Human Rights (OHCHR) provides the secretariat support to these bodies.^{xc}

The Charter bodies of the United Nations include, principally, the UN Human Rights Council with respect to human rights oversight. The UN Human Rights Council's (UNHRC's) main purpose is to address situations involving a "consistent pattern of gross violations of human rights".

The Human Rights *Council* was created by General Assembly Resolution 60/251 on March 15, 2006, to succeed, streamline and make less political than its predecessor UN Human Rights *Commission*. The Resolution creating it gained approval of 170 of the 191 nation Assembly.^{xcii} There are 47 seats on the Council including 13 members from Africa. The first meeting of the Council was held on June 19-30, 2006.

The Human Rights Council uses a system called "special procedures" to monitor human rights violations in specific countries and examine systemic human rights issues. "Special procedures" are either individuals, called Special Rapporteurs, or working groups usually of five members.^{xciii} Their work includes responding to specific complaints, conducting studies, and providing technical advice. The special procedures may be "thematic" (currently 28) or country-specific (currently 10).

The Office of the United Nations Commissioner for Human Rights provides staffing and logistical support for each procedure. However, there is no UN thematic special procedure on corruption per se, although there are 13 currently in operation that could be seen as being linked to corruption.^{xciii}

Those linked to corruption may include Resolution 1998/25 on "extreme poverty" which states that "[p]overty is not only deprivation of economic or material resources but a violation of human dignity too." Resolution 2000/82 on "economic reform" is also relevant. However, there is also no country-specific mandate as yet from the UN on Angola.

The Council also on June 18, 2007, renewed a preexisting complaint procedure established by ECOSOC Res. 1503.^{xciv} Pursuant to Council resolution 5/1, the procedure would address "gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and in any circumstances." Communications may be sent directly to the Council, and may be taken up if they meet certain criteria including not being taken up by other Special Procedures, and are not manifestly

political. This may be an option as in the case of Angola, where the case was not taken up in Special Procedures.

On September 13, 2007, UN High Commissioner for Human Rights Louise Arbour pressed the Human Rights Council to begin the Universal Periodic Review (UPR) mechanism which analyzes the human rights records of individual countries.^{xcv}

The human rights treaty bodies implement the core international human rights treaties. They are made up of committees of independent experts, and are created in accordance with the provisions in the treaties they monitor.^{xcvi}

There are seven principal human rights treaty bodies, of which the Human Rights Committee (HRC) and the Committee on Economic, Social and Cultural Rights (CESCR) are directly germane to this paper. The HRC monitors the implementation of the International Covenant on Civil and Political Rights (ICCPR) and the CESCR monitors implementation of the International Covenant on Economic, Social and Cultural Rights. When Rafael Marques (represented by Open Society Justice Initiative and INTERIGHTS) was unable to bring his case in the domestic courts of Angola in 2005, he brought his claim to the UN Human Rights Committee

These treaty bodies perform a number of functions including consideration of State parties' reports and consideration of individual complaints and communications. When a country ratifies one of these treaties, it assumes a legal obligation to implement the provisions of the treaty. This system of monitoring ensures that the signatories of the treaties meet their obligations.

As stated above, the Human Rights Committee monitors the ICCPR. Under ICCPR Article 41, an inter-state complaint may be brought.^{xcvii} Also, the First Optional Protocol to the ICCPR allows for individual complaints. Angola ratified this Optional Protocol 1 on April 10, 1992.^{xcviii}

The Committee on Economic, Social and Political Rights monitors the ICESCR.^{xcix} All State parties must submit regular reports to the Committee on how the rights are being implemented (every five years). The Committee's reports are called "concluding observations." The Committee cannot consider individual complaints but a draft Optional Protocol to the Covenant is under consideration.^c

Summary of Potential Avenues for Litigation

As seen above, there are various forums in which to bring a human rights claim. Bringing a case in domestic Angolan courts would theoretically be best as the violations allegedly arise within Angola. However, these courts are weak, dependent, and ineffectual. The regional African Court system seems to represent a good compromise in that it is more culturally sensitive to, and less distant from, the problem than the United Nations.

However, the newly merged African Court of Justice and African Court on Human and Peoples' Rights is still untested. Finally, although not particularly close geographically, the United Nations is the most tested and cohesive of the human rights remediation systems. As far as this author can determine, corruption, specifically as a human rights violation, has not yet been brought as a distinct cause of action to the UN Human Rights Council, to its predecessor body (the Commission), nor to any other UN human rights entity.

CONCLUSIONS AND RECOMMENDATIONS

The government of Angola has pilfered billions of dollars through corruption and has helped to make the people of Angola some of the poorest in the world. Angola's temperate climate, precious stones, rivers, and fossil fuels, make it one of the wealthiest countries in the world. Nonetheless, it remains one of the poorest countries in the world for its people. In the next few years, national revenue in Angola should continue to rise with its new membership in OPEC and the rising price of oil. If rampant governmental corruption continues however, Angola is likely to remain at the low end of all international health, education and welfare indicators.

Some may say, why blame the Angolan government alone for these problems? It is true, that history accounts for some of this poverty including a fierce struggle for independence, and a decades-long civil war that nearly destroyed the youth of the country. It is also true that international corporations, agencies, and even NGOs have been either intentionally or unintentionally complicit in the corruption. However, this does not excuse the government of Angola, which remains in the best position to end the corruption and improve the lives of its people.

Often, foreign companies will point to the "backward" African dealings that require bribery and other illicit means to secure deals. National governments will then respond by claiming that foreign agencies are "raping" the country. Often, these claims are purely political and mask the reality that corruption serves to line the pockets of both foreign and domestic agents. The focus of this paper has been on the government of Angola because this writer feels that it is in the best position to truly help its people. If Angola is able to stop internal corruption, it will go a long way to creating a disincentive for foreign agents to engage in these practices. Combined with laws such as the Foreign Corrupt Practices Act, these companies would then be forced to confront double risks in engaging in bribery and corruption.

The rising consensus internationally is that corruption serves to keep people in poverty, benefiting the few at the expense of the many. No example is more stark than that of Angola, where individuals in its government pilfered the entire amount spent on social spending in the same time frame. These actions are

illegal as indicated in the Angolan Constitution, Angolan statutes, international conventions and treaties, and customary international law. The Angolan government has acted with impunity, in disregard of these laws, and worldwide opinion. Despite signing on to conventions and giving lip-service to transparency and accountability, Angola continues to remain unaccountable for its past and present actions. The question becomes, what then can Angolans and the international community do about this corruption?

This is a complex and tricky question that touches on issues such as the state of the law tying corruption to human rights violations, the readiness of international courts to hear these claims, and state sovereignty. It is clear that if a citizen of Angola were to try to bring a case to an Angolan court, he or she would be extremely unlikely to prevail due to judicial corruption.

This was evident in the case of the journalist Rafael Marques who was forced to bring his claim to the United Nations. Interestingly, Marques was investigating claims of corruption when Angolan police arrested him. He won his claim at the United Nations Human Rights Committee, not for illegal corruption, but for the government of Angola denying his freedom of expression. The government of Angola today continues to detain and arrest Angolan citizens and international aid workers who investigate and protest government corruption.

This paper suggests that corruption is in itself a human rights violation. This is a link that has only recently been discussed in law reviews and other legal periodicals. It is unclear whether international tribunals would be willing to view corruption, even as rampant as that in Angola, as a human rights violation in itself. Thus, an Angolan plaintiff may choose to bring a claim based on subsidiary human rights violations such as forced migration, denial of freedom of expression, assembly and the like. As is clear from the *Marques* case, international forums are willing to hear these cases.

These individual cases serve to increase public awareness much in the same way that international NGOs (discussed in the Appendix section of this paper), governmental agencies, and international financial organizations do. An Angolan plaintiff may choose to bring their case to an international NGO like Human Rights Watch, and ask that they file a form of amicus brief or “shadow report” with an agency such as the

United Nations' ESCR Committee. This would serve to raise international awareness of the issue in much the same way that the *Marques* case did.^{ci}

A potential avenue of litigation would be to bring a petition before the UN Human Rights Council. The 2007 reforms to the complaint procedure under 1503 (a *confidential* process, shielded from public view) have not been made fully clear as yet. This is particularly true in relation to the ECOSOC Resolution 1235, which was *non-confidential*; indeed, it is not clear to the author that 1235 survived the transition from the *Commission* to the *Council*.

Similarly, international anti-corruption conventions serve to raise awareness about the problem with corruption. They also serve to build the tapestry of international law that becomes customary international law. In other words, layer upon layer is built until corruption becomes so inherently evil that it is seen as a violation of a fundamental right. As stated above, it is unclear whether corruption currently occupies this space along with such crimes as genocide. Of course, it has been argued that when corruption leads to war, and mass hunger, millions die.

All in all, it seems that although corruption is widely regarded as illegal, the Angolan government is refusing to take effective measures to halt the practice. Individual cases seem to raise awareness, as with the *Marques* case, but do little to actually stop the practice.

A pathway to bring about change, then, in the opinion of this author is to ensure that the new African Court of Justice and Human Rights is functioning properly and ready to hear cases. Although the Court is still in a relatively early stage of development, it might eventually – hopefully, sooner rather than later – provide the optimal forum to entertain a case challenging governmental corruption. However, as stated on p.20 of this report, the provision that bars individual access to the Court (barring a special country declaration affirming jurisdiction of the Court) will likely be retained.^{cii}

(At the time of this Report, however, it appears – as stated earlier, on page 20 -- that the new Protocol creating the Court would bar non-state submissions of complaints absent an affirmative country-specific declaration agreeing to the broader jurisdiction of the Court. Still, there appears to be a movement within the African Commission to allow direct referrals to the African Court in any case where a country has

ratified the Protocol creating the Court. On June 20, 2008, the African Commission was supposed to hold a session to finalize these procedural rules.^{ciii} It is still unclear whether those rules were ultimately adopted and if so what they say.)

The benefit of the African courts is that it is both geographically and politically closer to the problem of corruption in Angola. Conflicts based on poverty and associated issues tend to spread across borders and create conflict. As a region, Africa cannot choose to ignore the problem. In fact, ever since independence, Africa has experienced the repercussions of corruption and has implemented laws to combat it. The trouble has been when state sovereignty conflicts with international pressure. It seems that the combination of rampant suffering and corruption in Angola represents an African regional problem.

Thus, one way to try to end corruption in Angola is for the international community to focus on the implementation of a strong African court. This could limit state sovereignty issues to a degree, while affecting real change. Although it may be problematic whether corruption itself will be seen as a “gross” human rights violation, associated violations would be well within the jurisdiction of the African courts. Now that awareness has been raised, infrastructure must be established to hear the claims and end Angolan corruption.

APPENDIX

Corruption is such a complex and multifaceted problem, that no single strategy will be fully effective. Other non-litigation avenues to combat corruption are listed below.

U.S. Governmental Organizations

The State Department and USAID are actively involved in combating corruption worldwide. President George W. Bush stated that “[p]romoting transparent, accountable governance is a critical component of our freedom agenda.”^{civ} The United States Department of State is a cabinet agency in charge of conducting the foreign relations of the United States. The State Department could pressure the Angolan government for change.

The United States’ commitment to combat international corruption was highlighted in statements that came out of a recent anti-corruption meeting in South Africa. In Johannesburg, South Africa, in April of 2007, anti-corruption officials and experts met to urge adoption and implementation of the United Nations Convention Against Corruption. In an article written on April 5, 2007, the leader of the U.S. delegation to the forum, Joseph Gangloff, deputy director of the U.S. Office of Government Ethics, stated that the meeting provided “solid ground” for transition to a U.N. Convention follow up. The meeting was the Fifth Global Forum on Fighting Corruption and Safeguarding Integrity (GVF).^{cv} This meeting stated that the UNCAC would provide the primary framework for combating corruption.

Gangloff also stated that “Initially, many countries were reluctant to even admit that they had a corruption problem,” but “Now everyone clearly accepts that something has to be done about it [corruption] and understands that the fight against it has an international dimension.” The U.S. statement said, “The United States is eager to work with countries to prevent financial safe havens from developing in the first instance and to help partner governments recover plundered assets.”

The statement reaffirmed the U.S. commitment “to empower citizens in democracies with the tools and resources they need to challenge corrupt practices and to demand transparent rulemaking... [t]hrough

joint determination and mutual cooperation, we can [work] ... to identify, interdict, block and cut off the financial pipelines to all corrupt individuals, criminal organizations and illicit networks.”^{cv}

Since the days of the Marshall Plan after World War II, when USAID was created by executive order, it has been the principal U.S. agency in extending assistance to countries “recovering from disaster, trying to escape poverty, and engaging in democratic reforms.”^{cvii} USAID is an independent federal government agency but receives foreign policy information from the Secretary of State. USAID lists its objectives as supporting “long-term and equitable economic growth” while advancing “U.S. foreign policy objectives.”

USAID works with over 3,500 American companies and over 300 U.S. -based NGOs. USAID works to combat corruption, stating that “[c]orruption ...can seriously undermine democracy and good governance” and that corruption “undermines economic development.” USAID states that corruption “generates economic distortions in the public sector by pulling public investment away from education and into projects where bribes and kickbacks are more plentiful.”

To combat corruption, USAID has developed anti-corruption programs that fall into a few broad categories. (1)Fiscal/Customs—fiscal and tax reforms that act as large-scale reform. (2)Civil Society Programs- these programs are designed to increase public awareness through media and education, and to increase participation of citizens. Included in this program are efforts to promote a free media, and to strengthen local NGOs. (3)Local Government and Decentralization- these programs focus on the decentralization of government with an emphasis on budget reform including financial management. Programs here include supporting “transparent and accountable” government by improving audit capacity and service delivery. These programs even include explicit anti-corruption efforts. (4) Financial Sector- these programs focus on strengthening banks and banking regulation, including programs to combat money laundering. (5)Rule of Law- include programs to improve the justice sector, necessary for the success on anti-corruption programs. (6) Financial Management- these programs include institutional strengthening programs such as a strong treasury.

Americas' Accountability Anti-Corruption (AAA) Project was designed by USAID in 1998 to “improve governmental accountability and financial management,” and is an example of a successful USAID program. Nearly every country in the world has adopted this system, and it runs the “most popular anti-corruption site on the internet”—Respondanet.^{cviii} It sponsors networks of NGOs, pilot projects, and other efforts to “advocate for a more accountable government.”^{cxix}

In Angola, USAID requested funds in FY2005 and FY2006 for the four objectives of “food security, democratic governance, improved maternal/child health, and economic reform.” Of particular relevance to this paper, the democratic governance objective promotes in part, “government transparency and accountability,” and the economic reform objective “fosters economic policy and financial sector reform.”

Other Non-Governmental Organizations

There are approximately 40,000 NGOs (private institutions separate from government) operating worldwide.^{cx} This paper categorizes them based upon their primary function. These include promotion of government transparency, watchdog groups, private foundations, and international finance organizations.

Transparency International (TI) is seen as the leading NGO in addressing corruption. It is widely recognized for its Global Corruption Index.^{cxii} TI was founded in 1993, has over 90 national chapters, with headquarters in Berlin, Germany. TI states on its website that it “brings people together in a powerful worldwide coalition to end the devastating impact of corruption on men, women and children around the world. TI’s mission is to create change towards a world free of corruption.”

TI does not however, undertake investigations or look at individual cases. It works as a coalition-building organization that highlights the importance of corruption on the global scene. Corruption has been placed on the forefront of any developmental objectives including those of the World Bank and International Monetary Fund (IMF). TI also played a central role in creating the UN Convention Against Corruption.

The Extractive Industries Transparency Initiative (EITI) is a nongovernmental organization, which supports better governance in resource-rich countries by attempting to achieve greater transparency in oil,

gas and mining. Its main concern is with company payments and government revenues, as is evident in the SONANGOL dealings in Angola.^{cxii} EITI attempts to counter the “resource curse” where extractive industries end up adding to “poverty, corruption, and conflict.”

According to EITI, greater transparency and accountability created by EITI programs improve the investment climate within resource-rich countries. Also, companies doing business in these countries can mitigate their risk by supporting EITI. Angola is not one of the fourteen countries that have committed to the EITI principles laid out in the Lancaster Conference of 2003.^{cxiii}

However, Angola Deputy Minister of Finance Job Graca, and the President of the Administrative Council of SONANGOL attended the conference. EITI states that all companies are subject to a payment audit by an international auditor (Deloitte). The Government of Angola conducted an Oil Sector Diagnostic Analysis on oil-related earnings, published in 2004. SONANGOL also underwent an audit (Ernst & Young, 2003). EITI states that the Angolan government has “agreed [to] a program of transparency-related technical assistance with the World Bank, and is presently considering whether to implement EITI.”

There are some weaknesses with EITI, however, as the Financial Times noted in June of 2007.^{cxiv} It states that “EITI is a fine idea. But it is full of holes.” The article stated that in Ghana and Gabon, where EITI reports were completed recently, there is an “accounting weakness.” It stated that EITI calculates on a cash basis. That is, what companies paid LESS what the government received *equals* missing funds. The trouble is, according to the article, this was not checked properly and “more importantly” it did not check whether the cash paid was the right amount in the first place according to the contracts.

Amnesty International (AI) is a “worldwide movement of people who campaign for internationally recognized human rights to be respected and protected.”^{cxv} These internationally recognized rights are enshrined in the Universal Declaration of Human Rights and “other international human rights standards.” The mission of AI is to conduct research and take action on human rights violations. AI has 2.2 million members and supporters in over 150 countries and territories. AI is a nongovernmental organization “free from any government, political ideology, economic interest or religion.”

Amnesty International publishes annual reports on human rights violations in each country. The 2007 report on Angola included a list of human rights abuses, but did not specifically mention corruption.^{cxvi} However, in its report on Africa generally, it states that violations including “widespread corruption” and “inequitable distribution of resources” continued to undermine the enjoyment of human rights across the region.^{cxvii}

Human Rights Watch (HRW) is “dedicated to protecting the human rights of people around the world.”^{cxviii} Like Amnesty International, it investigates and exposes human rights violations in an attempt to hold abusers accountable.

HRW recently wrote an article on Angola’s membership in OPEC, stating that, Angola “should publicly account for how it spends the country’s massive oil wealth instead of harassing citizens who criticize corruption.” Human Rights Watch and Amnesty International are the two most important international human rights organizations that operate worldwide. They are similar in their mission, and often work closely together but have slightly different structures and methodologies. AI is an organization with a huge membership, and its basic attack strategy is to mobilize them.

On the other hand, HRW focuses mainly on research and reporting. Amnesty International focuses on letter-writing campaigns and member involvement, where HRW names individual offenders and calls for sanctions against particular countries. Most recently, HRW asked for sanctions against top officials in Sudan.

In sum, Amnesty International seeks public exposure more frequently than Human Rights Watch, focusing on mass-movement, press and specific abuses. Human Rights Watch, on the other hand, seems to be more “cerebral”, focusing on extensive analyses, historical background, and publication in academic journals.

Private Foundations

The Ford Foundation is a private foundation which acts as a resource to “innovative people and institutions worldwide” with the goals of strengthening democracy, reducing poverty and injustice,

promoting international cooperation, and advancing human achievement.”^{cxxix} The Foundation was created by gifts from Henry and Edsel Ford, but is an independent organization.

Relevant to Angola, the Ford Foundation believes that the best way to create better economic and social systems is to “encourage initiatives by those living and working closest to where problems are located.” Ford “promote[s] collaboration among the nonprofit, government and business sectors.” Ford Foundation supports these activities by making grants and loans to build knowledge and strengthen organizations and networks. Program officers in Africa look at opportunities to pursue the goals listed above.

These comments and mission are consistent with a recent email to this student by Joseph Gitari of the Ford Foundation. He stated that the best way to combat the “vast, but absolutely critical” problem of corruption is the individual method of increasing knowledge in “the legal field or in law schools” to form networks of “young lawyers concerned and dedicated to helping eradicate this vice worldwide,” to campaign for “courses on ethics and corruption in syllabus of law and business schools” and to “link these with counterparts in Africa.” As Gitari stated “it works when you get likeminded people to start such [efforts] together.”^{cxxx}

The Open Society Institute (OSI) part of the Soros Foundations Network, is a private foundation aiming to “shape public policy to promote democratic governance, human rights, and economic, legal, and social reform.”^{cxxxi} OSI works on a local level to implement initiatives relevant to Angola such as the “rule of law” and an “independent media.” Like the Ford Foundation, the OSI also attempts to build “alliances across borders and continents on issues such as combating corruption and rights abuses.”

OSI was created in 1993 by investor George Soros to support his foundations helping countries transition from communism. This has expanded from former Soviet bloc countries to include more than 60 countries around the world. A spinoff of the OSI relating to corruption specifically, is the Revenue Watch Institute.^{cxxii}

The Revenue Watch Institute’s mission is to “improve democratic accountability in natural resource-rich countries.” It does this by grants that equip citizens to be effective monitors of government revenues

and expenditures. Like EITI, it attempts to counter the effects of the “resource curse.” The RWI has helped create local coalitions fighting for transparency in revenue and expenditure. RWI works closely with the international Publish What You Pay campaign (encouraging countries/companies to publicly report payments to governments). Revenue Watch also supports international protocols such as those designed by EITI.^{cxxiii}

International Finance Organizations

The International Monetary Fund (IMF) is an international organization that observes exchange rates and balance of payments, and monitors the world’s financial system. It is headquartered in Washington, D.C.^{cxxiv} The IMF is made up of 185 countries “working to foster global monetary cooperation, secure financial stability, facilitate international trade, promote high employment and sustainable economic growth, and reduce poverty.”

Criticisms of the IMF are documented in the film *Life and Debt*. *Life and Debt* chronicles the IMF’s policies in Jamaica. It states that from 1978 when Jamaica began its relationship with the IMF the Jamaican dollar was worth more than the US dollar, but by the end of the relationship it was worth less than 2 US cents. The value of the IMF to developing countries is unclear.^{cxxv}

IMF resources specifically address Angola, stating that “[a] prudent management of Angola’s natural resources requires that priority is given to measures to strengthen governance and transparency in the oil and diamond sectors.” IMF policy records contend that Angolan authorities have implemented some of the measures of the Oil Diagnostic Study of 2004, but continual assessment is necessary. The IMF encourages participation in the EITI, hoping to bring “international recognition to government’s efforts to enhance transparency in the extractive sectors.”

The World Bank, established in 1945, consists of five agencies including the International Bank for Reconstruction and Development and the International Development Association.^{cxxvi} The Bank consists of 185 member countries. The Bank’s current priority is the implementation of the Millennium Development

Goals, focusing on the reduction of global poverty. Current Bank policy dictates that this can be achieved through low or no interest loans and grants to countries with little access to international credit markets.

According to the World Bank, there are four factors necessary for economic growth. (1)Capacity Building- strengthening government, (2) Infrastructure Creation- legal and judicial system implementation, (3) Development of Financial Systems- creating strong systems from micro credit to larger institutions, and (4) Combating corruption- eradicating corruption to ensure maximum effect.

Factor four is the most relevant to this paper and is indicative of the global importance of anti-corruption measures. Angola joined the World Bank Group in 1989. Angola has received assistance since 1991, accepting credit from the International Development Association (IDA) for economic management and capacity building. The World Bank has a country office in Luanda for country dialogue and project oversight. The World Bank works closely with the IMF and several of the other organizations listed in this paper.

The 2005 and 2006 IDA program for Angola consisted of three pillars. (1)enhancing transparent governance, (2)providing basic services (infrastructure) (3)supporting broad-based equitable growth, namely improving environment for private sector growth.

The World Bank's portfolio in Angola currently includes five active projects with credits and grants totaling US\$177 million (IDA) and grant co-financing of US\$104 million. The International Finance Corporation has three major investments in Angola.

This year, the World Bank is in the midst of creating a new strategy to combat corruption. It created a draft strategy paper in January of 2007, Strengthening Bank Group Engagement in Governance and Anticorruption. The report is based upon consultations with 37 developing countries, 12 donor nations, and 3,200 responses from an online forum.

The consultations affirmed that the World Bank's main purpose in anticorruption work is to "strengthen the ability of developing countries to fight poverty." Some of the essential proposal elements are (1)the Bank should stay engaged, even in poorly governed countries, (2)engage more with the private

sector helping to show that “integrity is good for business, and (3) the Bank should work to strengthen, rather than bypass, country systems.

Stakeholders urged the Bank to focus more on strengthening country systems through methods such as insuring honest procurement and monitoring. The long-run objective of the World Bank is to reduce the risk of fraud and corruption in Bank-financed operations.

UNITED NATIONS HUMAN RIGHTS COUNCIL COMPLAINT PROCEDURE

On 18 June 2007, the Human Rights Council adopted the President text entitled "UN Human Rights Council: Institution Building" (resolution 5/1) by which a new Complaint Procedure is being established to address consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

The new Complaint Procedure is established in compliance with the mandate entrusted to the Human Rights Council by General Assembly resolution 60/251 of 15 March 2006, in which the Council was requested to review and, where necessary, improve and rationalize, within one year after the holding of its first session, all mandates, mechanisms, functions and responsibilities of the former Commission on Human Rights, including the 1503 procedure, in order to maintain a system of special procedures, expert advice and a complaint procedure.

Accordingly, ECOSOC resolution 1503 (XLVIII) of 27 May 1970 as revised by resolution 2000/3 of 19 June 2000, served as a working basis for the establishment of a new Complaint Procedure and was improved where necessary to ensure that the complaint procedure be impartial, objective, efficient, victims-oriented and conducted in a timely manner.

Review of the 1503 procedure

In compliance with the mandate entrusted to it by the General Assembly, the Council decided on 30 June 2006 to establish the Working Group on the implementation of operative paragraph 6 of General Assembly resolution 60/251 (decision 1/104), to formulate concrete recommendations on the issue of reviewing and when necessary, improving and rationalizing all mandates, mechanisms, functions and responsibilities of the former Commission on Human Rights, including the 1503 procedure.

The Working Group held three formal open-ended sessions from 13 to 24 November 2006, 5 to 16 February 2007 and 10 to 27 April 2007. The segment on the complaint procedure was chaired by the Permanent Representative of Switzerland, who was appointed by the President of the Council to facilitate the consultations on this mechanism. Discussions in the Working Group and various rounds of informal consultations were conducted on the basis of an initial and subsequently revised framework for discussions prepared by the Facilitator. Following the last session of the Working Group, a final proposal (A/HRC/5/15) was submitted by the Facilitator to the President, taking into account to the greatest extent possible, the positions expressed during several months of consultations, with a view to facilitating the drafting of the section on the Complaint Procedure of a final document on institution building of the Council to be adopted in June 2007.

Summaries of the discussions held in the Working Group on the Complaint Procedure are contained in documents A/HRC/3/CRP.3, A/HRC/4/CRP.6 and A/HRC/5/CRP.6.

How does the complaint procedure work?

Pursuant to Council resolution 5/1, the Complaint Procedure is being established to address consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

It retains its confidential nature, with a view to enhancing cooperation with the State concerned. The procedure, inter alia, is to be victims-oriented and conducted in a timely manner.

Two distinct working groups - the Working Group on Communications and the Working Group on Situations - are established with the mandate to examine the communications and to bring to the attention of the Council consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms.

Manifestly ill-founded and anonymous communications are screened out by the Chairperson of the Working Group on Communications, together with the Secretariat, based on the admissibility criteria. Communications not rejected in the initial screening are transmitted to the State concerned to obtain its views on the allegations of violations.

The Working Group on Communications (WGC) is designated by the Human Rights Council Advisory Committee from among its members for a period of three years (mandate renewable once). It consists of five independent and highly qualified experts and is geographically representative of the five regional groups.

The Working Group meets twice a year for a period of five working days to assess the admissibility and the merits of a communication, including whether the communication alone or in combination with other communications, appears to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms. All admissible communications and recommendations thereon are transmitted to the Working Group on Situations.

The Working Group on Situations (WGS) comprises five members appointed by the regional groups from among the States member of the Council for the period of one year (mandate renewable once). It meets twice a year for a period of five working days in order to examine the communications transferred to it by the Working Group on Communications, including the replies of States thereon, as well as the situations which the Council is already seized of under the complaint procedure. The Working Group on Situations, on the basis of the information and recommendations provided by the Working Group on Communications, presents the Council with a report on consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms and makes recommendations to the Council on the course of action to take.

Subsequently, it is the turn of the Council to take a decision concerning each situation thus brought to its attention.

What are the criteria for a communication to be accepted for examination?

A communication related to a violation of human rights and fundamental freedoms is admissible, unless:

- It has manifestly political motivations and its object is not consistent with the UN Charter, the Universal Declaration of Human Rights and other applicable instruments in the field of human rights law; or
- It does not contain a factual description of the alleged violations, including the rights which are alleged to be violated; or
- Its language is abusive. However, such communication may be considered if it meets the other criteria for admissibility after deletion of the abusive language; or
- It is not submitted by a person or a group of persons claiming to be the victim of violations of human rights and fundamental freedoms or by any person or group of persons, including NGOs acting in good faith in accordance with the principles of human rights, not resorting to politically motivated stands contrary to the provisions of the UN Charter and claiming to have direct and reliable knowledge of those violations. Nonetheless, reliably attested communications shall not be inadmissible solely because the knowledge of the individual author is second hand, provided they are accompanied by clear evidence; or
- It is exclusively based on reports disseminated by mass media; or
- It refers to a case that appears to reveal a consistent pattern of gross and reliably attested violations of human rights already being dealt with by a special procedure, a treaty body or other United Nations or similar regional complaints procedure in the field of human rights; or
- The domestic remedies have not been exhausted, unless it appears that such remedies would be ineffective or unreasonably prolonged.

The National Human Rights Institutions (NHRIs), when they are established and work under the guidelines of the Principles Relating to Status of National Institutions (the Paris Principles) including in regard to quasi-judicial competence, can serve as effective means in addressing individual human rights violations.

Where to send communications?

Communications intended for handling under the Council Complaint Procedure may be addressed to:
Human Rights Council and Treaties Division

Complaint Procedure

OHCHR-UNOG

1211 Geneva 10, Switzerland

Fax: (41 22) 917 90 11

E-mail: CP@ohchr.org

CORRESPONDENCE ON FILE

SERGIO STONE
FOREIGN, COMPARATIVE & INTERNATIONAL LAW LIBRARIAN
WESTMINSTER LAW LIBRARY
UNIVERSITY OF DENVER STURM COLLEGE OF LAW
2255 E. EVANS AVE., DENVER, CO 80208

Hi Jonathan,

(1) Does Angola have a National Human Rights Commission or Ombudsperson?

I have not heard of such an institution. You should check the Angolan government portal and citizens' portal, although the commission or ombudsperson may not have a Web presence.

<http://www.angola-portal.ao/Portaldocidadao/>

<http://www.angola-portal.ao/portaldogoverno/Default.aspx>

(2) Can individuals bring a case before the African Court of Human and Peoples' Rights without first going through the African Commission?

It appears that individuals can file claims directly with the Court under special circumstances. See especially Articles 5 and 34 of the Protocol to the African Charter on the Establishment of the African Court of Human and Peoples' Rights.

http://www.achpr.org/english/info/court_en.html

You may also wish to consult the following book in the Law Library

"International Human Rights Law in Africa"

Frans Viljoen

Call # Level 1 KQC572.V55 2007

Please let me know if you need any other assistance.

Best regards,

Sergio

Sergio Stone
Foreign, Comparative & International Law Librarian
Westminster Law Library
University of Denver Sturm College of Law
2255 E. Evans Ave.
Denver, CO 80208

From: Rogers, Jonathan
Sent: Thursday, January 10, 2008 12:10 PM
To: Stone, Sergio
Subject: International Human Rights question

Hello,

My name is Jonathan Rogers, and I am working on a report for Professor Bob Golten's Human Rights Clinic. My report is on corruption in Angola and I have done quite a bit of research so far on the Angolan Constitution, NGOs, etc. Bob did ask me two questions that I was not able to answer however, and he mentioned that you may be able to help. The questions are:

*(1) Does Angola have a National Human Rights Commission or Ombudsperson?
(2) Can individuals bring a case before the African Court of Human and Peoples' Rights without first going through the African Commission?*

Where can I look to find the answers to these questions?

Thank you very much,

Jonathan Rogers
University of Denver Sturm College of Law
J.D. Expected, 2008
jrogers08@law.du.edu

**ALLISON BERG
OPERATIONS OFFICER
OIL, GAS AND MINING POLICY DIVISION
THE WORLD BANK
WASHINGTON, D.C., USA**

-----Original Message-----

From: Aberg1@worldbank.org [<mailto:Aberg1@worldbank.org>]
Sent: Tuesday, July 31, 2007 8:51 AM
To: Jon Rogers
Subject: RE: Law student question

Glad to be of help. As you note, a complex topic indeed!

If you wouldn't mind sharing your paper once it has been completed, I would be interested to read it.

Good luck,
Allison

"Jon Rogers" <jrogers808@hotmail.com>
To <Aberg1@worldbank.org>
07/31/2007 cc
11:46 AM
Subject RE: Law student question

Thank you so much Allison.

Your comments on Angola are so interesting and will be particularly useful to my report. It is so nice to hear information from people actually working in the field.

It is such a complex topic, I really appreciate you taking the time to detail it in such a concise and informative way. I have been reading about the topic for months, but your notes clear up many of the spots that were missing.

Your help is greatly appreciated. Thank you.

Regards,
Jonathan Rogers
University of Denver Law School

-----Original Message-----

From: Aberg1@worldbank.org [<mailto:Aberg1@worldbank.org>]

Sent: Monday, July 30, 2007 10:45 PM
To: jrogers808@hotmail.com
Subject: Fw: Law student question

Jonathan,

Thanks for your email below in regard to Angola and EITI.

The government of Angola is not currently implementing EITI. At the global EITI Plenary Conference held in Oslo in October 2006, the government indicated its intention to remain an "observer" to EITI and has not yet changed its position.

The World Bank and other development partners (e.g., Norway, UK) are engaged in dialogue with the country on the petroleum sector (at the country's request, the Bank will also likely begin to engage in mining sector dialogue with Angola).

The Bank is supportive of the country's efforts to promote transparency in its petroleum (and mining) sector, even if this is not within the context of EITI.

As you probably gleaned from the World Bank's web site, in May 2006 the Bank organized workshops for government officials and civil society representatives on petroleum revenue management (presentations are available here). The Bank is also aiming to support the establishment of a publicly-accessible petroleum resource center at the Augustinho Neto University in Luanda, but the University has been slow to move on this. In the past, the government has actually published detailed numbers on petroleum production and associated tax receipts on the Ministry of Finance's web site (see <http://www.minfin.gv.ao/economia/expetromenu.htm>), but up-to-date figures have not been published in a couple of years (the government was working to upgrade the web site, but again, progress has been slow).

You have probably already seen them but, just in case, the following Bank reports on Angola may be of interest:

Interim Strategy Note (April 2007) - Annex 5 shows where Angola stands against EITI criteria, even though it is not implementing;

Country Economic Memorandum (October 2006) - covers oil (and diamond) sector issues.

I hope this helps.

Regards,
Allison

Allison Berg
Operations Officer
Oil, Gas and Mining Policy Division
The World Bank
Washington, DC USA
Tel. 202-458-5397
Fax 202-522-0396
Email: Aberg1@worldbank.org

----- Forwarded by Allison Berg/Person/World Bank on 07/31/2007 12:09 AM

"Jon Rogers" <jrogers808@hotmail.com>

To <eitiinfo@eitransparency.org>

07/26/2007 cc 02:10 PM

Subject Law student question

Hello,

My name is Jonathan Rogers, and I am a law student at the University of Denver, Colorado, USA. I am currently writing a report on anti-corruption measures in Angola. EITI has come up regularly in my research, and I did see on your website a section on Angola. I noticed that the last statement in that section

was---

“The Government has agreed a program of transparency-related technical assistance with the World Bank, and is presently considering whether to implement EITI.”

What is the current status of the implementation of EITI in Angola?

I would really appreciate any assistance you could give on this matter.

Thank you very much,
Jonathan Rogers
3L
University of Denver School of Law
jrogers808@hotmail.com

**JOSEPH GITARI
PROGRAM OFFICER, HUMAN RIGHTS
FORD FOUNDATION**

From: Gitari, Joseph [mailto:J.Gitari@fordfound.org]
Sent: Thursday, July 12, 2007 10:46 PM
To: Jon Rogers
Subject: RE: Bob Golten student

Excellent. Glad to have been of help.
JG

Joseph,

Thank you so much for your note and your help. I did indeed touch on EITI and Publish What You Pay in the report, but I will give them a second look in the Next Steps portion of my paper. It is wonderful to hear from someone like yourself working in the field to make these organizations come alive in my mind.

In particular, thank you for your suggestions as to what I can do on a personal level. Following your comments, my first step will be to incorporate your suggestions into my report for Prof. Golten. I did not think of creating networks of lawyers to combat the problem so I will think of ways to do that. I will also speak with Prof. Golten about a course on corruption in law and business schools, and then attempt to link these with schools in Africa. Your comments remind me of Robert F. Kennedy's speech in South Africa to the students there. You reminded me that students have a power of our own!

Thank you so much again for your comments, I will think hard about them, put them into my report, and then attempt to put them into practice.

All the best to you.
Jonathan

From: Gitari, Joseph [mailto:J.Gitari@fordfound.org]
Sent: Thursday, July 12, 2007 3:18 AM
To: Jon Rogers
Subject: RE: Bob Golten student

Dear Jonathan,

How nice for you to write me. The subject you are interested in is vast, but absolutely critical if Africa is ever going to get out of the current difficulties and enable its people to enjoy their fundamental human rights in this beautiful and well endowed continent.

I am sure you are aware of the networks to combat corruption that one can plug into, such as the Extractive Industries Transparency Initiative, EITI, and the Publish What You Pay campaigns, as well as those on Blood Diamonds and Small Arms, etc.

But your question is really about what you can do personally. I suppose that depends on you passion, time and commitment. You will need to identify an aspect of this phenomenon most amenable to impact from you. Is it to make the problem more known in the legal field or in law schools? Is it to form networks of young lawyers concerned and dedicated to helping eradicate this vice worldwide? Is it to campaign for courses on ethics and corruption in syllabus of law and business schools? And link these with counterparts in Africa? all these are potentials activities you can get started. In my experience though, it works when you get likeminded people to start such together.

I hope this is helpful,
Joseph Gitari

From: Jon Rogers [mailto:jrogers808@hotmail.com]
Sent: Wednesday, July 11, 2007 8:01 PM
To: Gitari, Joseph
Subject: Bob Golten student

Dear Mr. Gitari,

I was given your name by Bob Golten at the University of Denver. I am in his International Human Rights class and am a second year law student. I was raised in part in Guinea-Bissau, West Africa.

I am currently writing a report on anti-corruption measures in Africa, specifically Angola. I have detailed the facts of rampant corruption in Africa, and looked into laws that are in place domestically and internationally to combat corruption. Now I am at the "Next Steps" portion of the paper and wanted to find ways to combat the problem personally as a young law student.

Bob said that you may have some ideas on ways that a young lawyer can combat corruption in a personal way.

I appreciate any help that you can give.

Sincerely,
Jonathan Rogers
Law Student
University of Denver
jrogers808@hotmail.com

**ROBERT GOLTEN
DIRECTOR
INTERNATIONAL HUMAN RIGHTS ADVOCACY CENTER
GRADUATE SCHOOL OF INTERNATIONAL STUDIES
UNIVERSITY OF DENVER**

Correspondence on file at Graduate School of International Studies, University of Denver.

**DR. JOHN HOLCOMB
ASSOCIATE PROFESSOR
DEPARTMENT OF BUSINESS ETHICS AND LEGAL STUDIES
UNIVERSITY OF DENVER**

Jonathan,

Yes, I have your paper but haven't had a spare moment to look it over, as I've been buried in papers I've had to grade, with exams now coming in this week. Now that our quarter is coming to an end, though, I will look at your paper this week and get back to you.

Best,

John Holcomb

From: Jon Rogers [mailto:jrogers808@hotmail.com]
Sent: Monday, November 19, 2007 10:05 AM
To: John Holcomb
Subject: RE: Bruce Hutton referred me

Hello Professor Holcomb,

I dropped off a corruption paper a few weeks back and was wondering if you had any brief comments on the questions I asked in the cover letter. I really appreciate your help.

Jonathan Rogers
jrogers08@law.du.edu

From: John Holcomb [mailto:jholcomb@du.edu]
Sent: Monday, October 01, 2007 3:13 PM
To: Buie Seawell; Jon Rogers
Subject: RE: Bruce Hutton referred me

Buie and Jon,

I would be glad to discuss your project, Jon, if you would like to contact me at 303-871-2634 or jholcomb@du.edu.

John

From: Buie Seawell
Sent: Monday, October 01, 2007 10:56 AM
To: Jon Rogers
Cc: John Holcomb
Subject: RE: Bruce Hutton referred me

Jon,

I would love to read your paper on Corruption, and to talk to you about it. I'm doing a class next week off campus on the background of the corruption issue. I believe that the best place to look for evidence of what effect the "Anti-corruption Crusade" is having is to MNCs like Newmont Mining, Royal Dutch Shell or Becton-Dickinson. You might also want to talk to Professor John Holcomb in our Department, in that his scholarship touches on this topic extensively.

Give me a call if you'd like to come by. 303-871-2698.

Buie Seawell

From: Jon Rogers [mailto:jrogers808@hotmail.com]
Sent: Saturday, September 29, 2007 11:07 PM
To: Buie Seawell
Subject: Bruce Hutton referred me

Hello Mr. Seawell,

My name is Jon Rogers, and I am third year law student, currently writing a litigation report for Bob Golten's International Human Rights Clinic. Bruce Hutton suggested that I contact you as I am in the process of finishing up a litigation report on corruption by government officials in Angola.

I was raised overseas (Foreign Service brat) in Jamaica, Brazil, and Guinea-Bissau, West Africa, so I have seen the results of corruption and poverty up close.

Section I of the paper is a statement of facts on the \$4 billion lost or pilfered from 1997-2001 due to a lack of transparency and off the books accounting of the state run oil company, SONANGOL. Section II details potential litigation strategies (through the UN and AU anti-corruption conventions for example). Section III discusses potential avenues for litigation such as the UN, African Courts, and international financial organizations.

Right now I am in the "What progress is being made" wrapping up of the paper, and was wondering if you had any insight as to the "real life" potential of these anti-corruption measures? I have done the theory, but what results these efforts have achieved in practice.

I would really appreciate any ideas or comments that you may have on this.

Sincerely,

Jon Rogers
jrogers08@law.du.edu
University of Denver, Sturm College of Law
Expected Graduation 2008

**BUIE SEAWELL
CHAIR, CLINICAL PROFESSOR
DEPARTMENT OF BUSINESS ETHICS AND LEGAL STUDIES
UNIVERSITY OF DENVER**

Jon,

I truly apologize. We are in the midst of finals and final paper grading and I just haven't had time to get to your paper. I look forward to reading it over Thanksgiving.

Buie Seawell

From: Jon Rogers [mailto:jrogers808@hotmail.com]
Sent: Monday, November 19, 2007 10:04 AM
To: Buie Seawell
Subject: RE: Bruce Hutton referred me

Hello again Prof. Seawell,

I dropped off a Corruption paper with you a few weeks back and was wondering if you had time to answer the questions I asked on the cover letter. A few brief comments would be a wonderful addition to my paper. I really appreciate it.

Thank you very much.

Jonathan Rogers
jrogers08@law.du.edu

From: John Holcomb [mailto:jholcomb@du.edu]
Sent: Monday, October 01, 2007 3:13 PM
To: Buie Seawell; Jon Rogers
Subject: RE: Bruce Hutton referred me

Buie and Jon,

I would be glad to discuss your project, Jon, if you would like to contact me at 303-871-2634 or jholcomb@du.edu.

John

From: Buie Seawell
Sent: Monday, October 01, 2007 10:56 AM
To: Jon Rogers
Cc: John Holcomb
Subject: RE: Bruce Hutton referred me

Jon,

I would love to read your paper on Corruption, and to talk to you about it. I'm doing a class next week off campus on the background of the corruption issue. I believe that the best place to look for evidence of what effect the "Anti-corruption Crusade" is having is to MNCs like Newmont Mining, Royal Dutch Shell or Becton-Dickinson. You might also want to talk to Professor John Holcomb in our Department, in that his scholarship touches on this topic extensively.

Give me a call if you'd like to come by. 303-871-2698.

Buie Seawell

From: Jon Rogers [mailto:jrogers808@hotmail.com]
Sent: Saturday, September 29, 2007 11:07 PM
To: Buie Seawell
Subject: Bruce Hutton referred me

Hello Mr. Seawell,

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I was raised overseas (Foreign Service brat) in Jamaica, Brazil, and Guinea-Bissau, West Africa, so I have seen the results of corruption and poverty up close.

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Right now I am in the “What progress is being made” wrapping up of the paper, and was wondering if you had any insight as to the “real life” potential of these anti-corruption measures? I have done the theory, but what results these efforts have achieved in practice.

I would really appreciate any ideas or comments that you may have on this.

Sincerely,

Jon Rogers
jrogers08@law.du.edu
University of Denver, Sturm College of Law
Expected Graduation 2008

Hello Prof. Seawell:

Thank you very much for your email a few weeks back. I really appreciate your offer of help on my litigation report for Angola. As I spent my formative years in Guinea-Bissau, West Africa, this topic is very close to home for me.

I’ve written the attached Report for law school course in International Human Rights Law & Advocacy. It deals with corruption in Angola (and, by extrapolation, in developing countries generally) as a serious violation of human rights, with recommendations on how NGOs can challenge it (corruption) using the **rule of law**.

I would much appreciate your perusing this Report. I would then like to meet with you for up to 30 minutes to discuss, in particular, these few questions: (a) Is the best forum to bring an anti-corruption litigation for Angola really the African Court of Justice? (b) Are some NGOs more effective than others in the fight against corruption? and (c) How do you see the anti-corruption movement changing over the next five to ten years?

I can be reached at (808)218-5447, or at jrogers08@law.du.edu.

If I don’t hear from you by November 15, I will plan to give you a call and see about setting up a 30 minute appointment.

Thanks in advance for considering this request.

Jonathan Rogers
J.D. Candidate 2009
University of Denver, Sturm College of Law
jrogers08@law.du.edu
(808)218-5447

**JULIE HARRINGTON
JUSTICE INITIATIVE**

Dear Jonathan,

Very briefly: yes, the negotiations for a new protocol that would provide for a merger of the two courts are ongoing. From what I gather, however, it appears that the provision that bars direct access to the court by victims and NGO absent a special declaration (which only Mali and Burkina have made under the current protocol) is going to be retained.

On the Commission-Court relationship, it’s not yet fixed. The Commission is revising its Rules of Procedure and while the draft rules provide for an Inter-American style full consideration by the Commission with referral to the Court only in cases that are decided on the merits and then not respected, there’s a movement afoot within the Commission to

make direct referrals to the Court in any case received against a country that's ratified the Court protocol. The Commission is due to hold an extraordinary session to finalize these rules sometime within the next three months and I'm sure the Court Coalition will report whenever there's something concrete.

Good luck with your paper,

Julia Harrington

May 28, 2008

Dear Julie Harrington:

Hello, my name is Jonathan Rogers, and I am a third year law student at the University of Denver. Professor Robert Golten, of the Graduate School of International Studies gave me your name. I am currently writing a paper on corruption in Angola as a human rights violation for his International Human Rights class.

Prof. Golten stated that you might be able to help me on a particular area that has been confusing to me. That is -- the current status of the proposed merger between the African Court of Justice and the African Human Rights Commission. I recently read an April 30, 2008 report at the Coalition for an Effective African Court on Human and Peoples' Rights website (http://www.africancourtcoalition.org/editorial.asp?page_id=136) which stated that the process is still ongoing.

If you have a moment, could you please let me know what the current status is with this proposed merger? In particular, I am interested to know if it looks likely that the Court will be willing to hear individual human rights claims (or claims from NGOs). Also, whether it looks like the Commission will be acting as the arbiter of "admissibility" of claims, like the European Commission in relation to the European Court of Human Rights. Any other information on a likely timeframe for the process to be completed would also be very helpful.

Thank you so much for your time.
Jonathan Rogers

END NOTES

ⁱ See United Nations' Human Development Report, <http://hdr.undp.org/hdr2006/statistics/> (last visited Nov. 16, 2007).

ⁱⁱ *Id.*

ⁱⁱⁱ CIA World Factbook (February 8, 2007)- Angola, <https://www.cia.gov/cia/publications/factbook/geos/ao.html> (last visited Nov. 16, 2007).

^{iv} *Id.*

^v *Id.*

^{vi} *Id.*, see also, <http://devdata.worldbank.org/external/CPProfile.asp?CCODE=AGO&PTYPE=CP> (World Bank estimates population at 15.9 million in 2005, last visited Nov. 16, 2007).

^{vii} See World Bank, Angola Country Economic Memorandum, Oil, Broad-Based Growth and Equity (October 2, 2006), <http://www.worldbank.org/> (last visited Nov. 16, 2007).

^{viii} *Id.* (noting that increased oil production led to a growth in GDP of 12% in 2004, 19% in 2005 and 17% in 2006.)

^{ix} *Id.*

^x *Id.*, (noting that Angola's GDP/capita rank out of 177 countries is 128.)

^{xi} *Id.*

^{xii} *Id.*, (These figures are from IDR (2000/1), UNICEF (2003), UNAIDS (2004) and UNDP (2005:1,5) Ninety percent of these children die from malaria, diarrhea, or respiratory tract infections.)

^{xiii} *Id.* (at 1,800 per 100,000 births).

^{xiv} *Id.*, Net primary school attendance (1-4th grade) is fifty-six percent.

^{xv} Human Rights Watch, Some Transparency, No Accountability: The Use of Oil Revenue in Angola and Its Impact on Human Rights (January 2004) at <http://www.hrw.org/reports/2004/angola0104/> (last visited Nov. 16, 2007).

^{xvi} *Id.*

^{xvii} *Id.*

^{xviii} Global Witness, Time for Transparency (March 25, 2004),

http://www.globalwitness.org/media_library_detail.php/115/en/time_for_transparency (last visited Nov. 16, 2007).

^{xix} Center for Public Integrity (Nov. 4, 2002), <http://www.publicintegrity.org/bow/report.aspx?aid=150> (last visited Nov. 16, 2007).

^{xx} *Id.*

- ^{xxi} Human Rights Watch, Angola: New OPEC Member Should Tackle Corruption, Not Critics (December 15, 2006), <http://hrw.org/english/docs/2006/12/15/angola14859.htm> (last visited Nov. 16, 2007)(Angola became the second country in sub-Saharan Africa, and the first new OPEC member since Nigeria in 1971).
- ^{xxii} *Id.*
- ^{xxiii} *Id.*, (HRW asserted that despite improvements in disclosure of bonus payments and publishing expenses on the Ministry of Finance's website, that the government is still not disclosing fully how the money is spent. HRW also noted that the International Monetary Fund (IMF) has not agreed to a formal program with Angola's government due in part to a lack of fiscal transparency.)
- ^{xxiv} *Id.*
- ^{xxv} See *supra* note xvi.
- ^{xxvi} *Id.*, (the World Bank states that "SONANGOL performs multiple roles vis a vis the Government, including activities which would normally be performed by the Treasury and the Central Bank." This "complicated relationship" has resulted in payment arrears to the Government and a dual spending system. The report also indicates that these mechanisms "violate the existing financial legislation.")
- ^{xxvii} Transparency International, 2006 Corruption Perceptions Index, http://www.transparency.org/policy_research/surveys_indices/cpi/2006 (last visited Nov. 16, 2007).
- ^{xxviii} Open Budget Initiative, International Budget Project, <http://www.openbudgetindex.org/> (last visited Nov. 16, 2007).
- ^{xxix} The Associated Press, British NGO Campaigner Jailed in Angola (February 19, 2007), <http://abcnews.go.com/International/wireStory?id=2886282> (last visited Nov. 16, 2007).
- ^{xxx} IMF 2006 Article IV Consultation with Angola, Public Information Notice (PIN) No. 06/133 (Nov. 15, 2006). <http://www.imf.org/external/np/sec/pn/2006/pn06133.htm>. (last visited Nov. 16, 2007).
- ^{xxxi} IMF 2006 Article IV Consultations Preliminary Conclusions of the IMF Mission (March 29, 2006). <http://www.imf.org/external/np/ms/2006/032906.htm>. (last visited Nov. 16, 2007).
- ^{xxxii} Andreanna M. Truelove, Georgetown Journal of International Law (Fall 2003), http://findarticles.com/p/articles/mi_qa4140/is_200310/ai_n9329604/pg_1 (Last visited Nov. 16, 2007).
- ^{xxxiii} Jens Chr. Andvig, et al., Corruption: A Review of Contemporary Research 5-6 (Chr. Michelsen Inst. 2001), <http://www.cmi.no/pdf/?file=/publications/2001/rep/r2001-7.pdf> (last visited Nov. 16, 2007).
- ^{xxxiv} Khan Md. Anichul Hoque, Overflow of Corrupted Asset, Typical Corruptions in Banks with Insured Deposits, and Banking Crises 2 n.2 (2004), <http://www.valt.helsinki.fi/blogs/mkhan/Corruption&banking-crisis-investor-4-2.pdf> (last visited Nov. 16, 2007).
- ^{xxxv} Report of the Committee on Civil Liberties and Internal Affairs on Combating Corruption in Europe, Parl. Eur. Doc. A4-0314/95 at 5 (1995).
- ^{xxxvi} See A. Truelove, Oil, Diamonds, and Sunlight: Fostering Human Rights Through Transparency in Revenues from Natural Resources, 35 Geo. J. Int'l L., 207(2003).
- ^{xxxvii} *Id.*
- ^{xxxviii} *Id.*
- ^{xxxix} *Current Assessment of the Angolan Petroleum Sector: Inception Report* by KPMG for the Ministry of Finance, Government of Angola, July 2002; Human Rights Watch, Some Transparency, No Accountability: The Use of Oil Revenue in Angola and Its Impact on Human Rights (January 2004), <http://www.hrw.org/reports/2004/angola0104/index.htm> (last visited Nov. 16, 2007).
- ^{xl} See <http://www.hrw.org/reports/2004/angola0104/4.htm>
- ^{xli} See <http://www.actssouthernafrica.org/Constitution%20of%20Angola.pdf>
- ^{xlii} Rafael Marques v. Angola (2005), http://www.justiceinitiative.org/db/resource2?res_id=102736 (last visited Nov. 16, 2007).
- ^{xliii} Human Rights Watch, The IMF and Angola: Oil and Human Rights (June 2000), <http://www.hrw.org/press/2000/06/ang0622.htm> (last visited Nov. 16, 2007).
- ^{xliv} See International Covenant on Economic, Social, and Cultural Rights (ICESCR), Articles 13 (education), Article 11 (access to a standard of living), Article 12 (health). See also International Covenant on Civil and Political Rights (ICCPR), Article 21 (peaceful assembly), Article 25 (the right to take part in public affairs and elections) and Article 26 (that all people are equal before the law).
- ^{xlvi} Laurence Cockcroft, *Working Paper, Corruption and Human Rights: A Crucial Link, Transparency International* (Oct. 1988), http://www.transparency.org/working_papers/cockcroft/cockcroft.html (last visited Nov. 16, 2007).
- ^{xlvi} See Ndiva Kofele-Kale, *Partimonicide: The International Economic Crime of Indigenous Spoliation*, 28 VAND. J. TRANS. LAWAW 45, 74 (1995); A. Peter Mutharika, *The Role of International Law in the Twenty-First Century: An African Perspective*, 18 *FORDHAM INT'L L.J.* 1706, 1708-09 (1995).
- ^{xlvii} See generally, ISESC and ICCPR *supra* note xlii.
- ^{xlviii} Anticorruption Resource Center, <http://www.u4.no/index.cfm> [http](http://www.u4.no/index.cfm) (last visited Nov. 16, 2007).
- ^{xlix} See <http://www.issafrica.org/cdct/mainpages/pdf/Corruption/Legislation/Angola/Angola%20Law%20of%20the%20High%20Authority%20Against%20Corruption%20No%2037%20of.pdf>
- ⁱ African Union, <http://www.africa-union.org/root/au/Documents/Treaties/treaties.htm> (last visited Nov. 16, 2007).
- ⁱⁱ <http://www.africa-union.org/root/au/Documents/Treaties/List/African%20Convention%20on%20Combating%20Corruption.pdf>
- ⁱⁱⁱ <http://www.actssouthernafrica.org/>
- ^{lii} See <http://www.u4.no/themes/conventions/intro.cfm>
- ^{liiv} See *supra* p.9.
- ^{liv} See *supra*, note xlv.

- ^{lvi} See Constitution, 5th Sched. (1999) (Nigeria).
- ^{lvii} See <http://www.ipocafrika.org/cases/highlands/index.htm>
- ^{lviii} <http://www.guardian.co.uk/business/2003/nov/13/france.oilandpetrol>
- ^{lix} Duane Windsor & Kathleen A. Getz, *Multilateral Cooperation to Combat Corruption: Normative Regimes Despite Mixed Motives and Diverse Values*, 33 CORNELL INT'L L.J. 731, 733 (2000).
- ^{lx} See generally James P. Wesberry, Jr., *International Financial Institutions Face the Corruption Eruption: If the IFI's Put Their Muscle and Money Where Their Mouth Is, the Corruption Eruption May Be Capped*, 18 NW. J. INT'L L. & BUS. 498 (1998).
- ^{lxi} U.S. Department of State, <http://www.state.gov/r/pa/ei/bgn/6619.htm#political> (last visited Nov. 16, 2007).
- ^{lxii} Jurist, <http://jurist.law.pitt.edu/world/angola.htm> (last visited Nov. 16, 2007).
- ^{lxiii} <http://www.nationmedia.com/dailynation/nmgindex.asp>
- ^{lxiv} Funke Aboyade, Nigeria: Brilliant Outing, But Not Without Controversy, This Day (Lagos), (October 23, 2007) <http://allafrica.com/stories/200710230283.html> (last visited Nov. 16, 2007).
- ^{lxv} See UN Integrated Regional Information Networks report of July 12, 2007, <http://allafrica.com/> (last visited Nov. 16, 2007).
- ^{lxvi} See *supra* note xl.
- ^{lxvii} BBC News, UK woman faces Angola spy trial (February 21, 2007), <http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/6383005.stm> (last visited Nov. 16, 2007).
- ^{lxviii} Afrol News, Angola frees anti-corruption activist (March 15, 2007), <http://www.afrol.com/articles/24730> (last visited Nov. 16, 2007).
- ^{lxix} African Union, <http://www.africa-union.org/> (last visited Nov. 16, 2007).
- ^{lxx} African Charter, http://www.achpr.org/english/info/charter_en.html (last visited Nov. 16, 2007).
- ^{lxxi} See http://www.achpr.org/english/ratifications/ratification_charter_en.pdf
- ^{lxxii} Mandate of the African Union, http://www.achpr.org/english/info/mandate_en.html (last visited Nov. 16, 2007).
- ^{lxxiii} See *supra* note lviii.
- ^{lxxiv} Protocol of the Court of Justice of the African Union, Article 2.2, http://www.africa-union.org/Official_documents/Treaties_%20Conventions_%20Protocols/Protocol%20to%20the%20African%20Court%20of%20Justice%20-%20Maputo.pdf (last visited Nov. 16, 2007).
- ^{lxxv} African International Courts and Tribunals, http://www.aict-ctia.org/courts_conti/acj/acj_home.html (last visited Nov. 16, 2007).
- ^{lxxvi} See *supra* note lviii.
- ^{lxxvii} Draft Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights ("Protocol for Establishment of an African Court"), CAB/LEG/665, Adopted June 9, 1998 and entered into force January 1, 2004, http://www.achpr.org/english/info/court_en.html (last visited Nov. 16, 2007).
- ^{lxxviii} Project on International Courts and Tribunals, http://www.pict-pecti.org/courts/ACHPR_judg_bio.html (last visited Nov. 16, 2007).
- ^{lxxix} See *supra* note lxxv, arts. 11, 16, 18, 29-30 .
- ^{lxxx} Scott Lyons, The African Court on Human and Peoples' Rights, American Society of International Law, Volume 10, Issue 24 (September 19, 2006), <http://www.asil.org/insights/2006/09/insights060919.html> (last visited Nov. 16, 2007).
- ^{lxxxi} *Id.*, See also, African Commission website at <http://www.achpr.org/english/> (last visited Nov. 16, 2007).
- ^{lxxxii} See <http://www.africancourtcoalition.org/default.asp> (last visited Nov. 16, 2007).
- ^{lxxxiii} Inter-American Court of Human Rights, <http://www.corteidh.or.cr/index.cfm?CFID=7406&CFTOKEN=57210983> (last visited Nov. 16, 2007).; European Court of Human Rights, <http://www.echr.coe.int/echr> (last visited Nov. 16, 2007).
- ^{lxxxiv} http://www.achpr.org/english/info/court_en.html
- ^{lxxxv} See *supra* note lxxv, arts. 5(3), 34(6).
- ^{lxxxvi} http://www.achpr.org/english/info/observer_en.html
- ^{lxxxvii} See email from Julie Harrington to author, p.47.
- ^{lxxxviii} *Africa/Justice-Experts Ready with Draft Proposal to Merge AU Courts*, HIRONDELLE NEWS AGENCY (June 11, 2008), <http://www.hirondellenews.com/content/view/2108/26/> (last visited June 27, 2008).
- ^{lxxxix} See http://www.africancourtcoalition.org/editorial.asp?page_id=162
- ^{xc} See Office of the High Commissioner for Human Rights, <http://www.ohchr.org/english/bodies/> (last visited Nov. 16, 2007).
- ^{xci} See UN Human Rights Council, <http://www.ohchr.org/english/bodies/hrcouncil> (last visited Nov. 16, 2007).
- ^{xcii} See Special Procedures assumed by the Human Rights Council, <http://www.ohchr.org/english/bodies/chr/special/index.htm> (last visited Nov. 16, 2007).
- ^{xciii} See Country Mandates, <http://www.ohchr.org/english/bodies/chr/special/countries.htm> (last visited Nov. 16, 2007).
- ^{xciv} See Human Rights Council Complaint Procedure, <http://www.ohchr.org/english/bodies/chr/complaints.htm> (last visited Nov. 16, 2007).
- ^{xcv} UN News Centre, Top UN official urges human rights body to begin country reviews (September 13, 2007) <http://www.un.org/apps/news/story.asp?NewsID=23803&Cr=human&Cr1=rights> (last visited Nov. 16, 2007).
- ^{xcvi} Office of the High Commissioner for Human Rights, <http://www.ohchr.org/english/bodies/treaty/index.htm#reports> (last visited Nov. 16, 2007)/
- ^{xcvii} Human Rights Treaty Bodies, <http://www.ohchr.org/english/bodies/hrc/index.htm> (last visited Nov. 16, 2007).
- ^{xcviii} See <http://www.unhchr.ch/pdf/report.pdf>
- ^{xcix} Committee on Economic, Social and Cultural Rights, <http://www.ohchr.org/english/bodies/cescr/index.htm> (last visited Nov. 16, 2007).

-
- ^c Official Documents System of the UN, <http://daccessdds.un.org/doc/UNDOC/GEN/G04/120/29/PDF/G0412029.pdf?OpenElement> (last visited Nov. 16, 2007).
- ^{ci} See Best Practices, <http://iwwaw.igc.org/shadow/CESCRNGOguideJune2003.doc>
- ^{cii} See Julie Harrington letter from the Justice Initiative, *supra* p.47
- ^{ciii} *Id.*
- ^{civ} USINFO, Bureau of International Information Programs, U.S. Department of State, http://usinfo.state.gov/ei/economic_issues/bribery_and_corruption.html (last visited Nov. 16, 2007).
- ^{cv} Andrzej Zwanjecki, New Phase in Fight Against Corruption Begins at Global Forum, (April 5, 2007) <http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2007&m=April&x=20070405104943zjsredna0.525326> (last visited Nov. 16, 2007).
- ^{cvi} See *supra* note lxxxiii.
- ^{cvii} USAID, <http://www.usaid.gov> (last visited Nov. 16, 2007).
- ^{cviii} Respondanet, <http://www.respondanet.com/english/> (last visited Nov. 16, 2007).
- ^{cix} See USAID, Fighting Corruption, http://www.usaid.gov/our_work/democracy_and_governance/technical_areas/anti-corruption/ (last visited Nov. 16, 2007).
- ^{cx} Anheier, Helmut, Marlies Glasius and Mary Kaldor (eds) (2004). *Global Civil Society 2004/05*. London: Sage.
- ^{cxii} Transparency International, <http://www.transparency.org/> (last visited Nov. 16, 2007).
- ^{cxiii} EITI, <http://www.eitransparency.org/> (last visited Nov. 16, 2007).
- ^{cxiii} See Department for International Development, Report of the Extractive Industries Transparency Initiative (EITI) London Conference, 17 June 2003, <http://www2.dfid.gov.uk/news/files/eitireportconference17june03.asp> (last visited Nov. 16, 2007).
- ^{cxiv} Richard Murphy and Nicholas Shaxson, *African Graft is a Global Responsibility*, FINANCIAL TIMES (June 1, 2007), <http://www.ft.com/cms/s/0/edd9b506-0c74-11dc-a4dc-000b5df10621.html> (last visited Nov. 16, 2007).
- ^{cxv} Amnesty International, <http://www.amnesty.org/> (last visited Nov. 16, 2007).
- ^{cxvi} Amnesty International Report 2007- Angola, <http://thereport.amnesty.org/eng/Regions/Africa/Angola> (last visited Nov. 16, 2007).
- ^{cxvii} *Id.*
- ^{cxviii} Human Rights Watch, <http://www.hrw.org/> (last visited Nov. 16, 2007).
- ^{cxix} Ford Foundation, <http://www.fordfound.org/about/mission2.cfm> (last visited Nov. 16, 2007).
- ^{cxx} Email from Joseph Gitari to Jonathan Rogers, July 12, 2007 (on file with Jonathan Rogers).
- ^{cxxi} Open Society Institute, <http://www.soros.org/> (last visited Nov. 16, 2007).
- ^{cxxii} Revenue Watch Institute, <http://www.revenuewatch.org/about/> (last visited Nov. 16, 2007).
- ^{cxxiii} See <http://www.revenuewatch.org/about/>
- ^{cxxiv} International Monetary Fund, <http://www.imf.org/> (last visited Nov. 16, 2007).
- ^{cxxv} Stephanie Black, Life and Debt, <http://www.lifeanddebt.org/> (last visited Nov. 16, 2007).
- ^{cxxvi} The World Bank, <http://www.worldbank.org/> (last visited Nov. 16, 2007).