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AFRICA DIALOGUE

MONOGRAPH SERIES No.1

CONTRIBUTIONS TOWARDS AN AFRICAN RENAISSANCE

Economic Aspects of the African Renaissance

**Lesotho Intervention: Implications for SADC.
Military Interventions, Peacekeeping and
the African Renaissance**

**Africa's Constitutional Renaissance?
Stocktaking in the '90s**

An Egyptian View of the African Renaissance



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Contributions towards an

AFRICAN RENAISSANCE

Africa Dialogue Monograph Series No. 1

Edited by Hussein Solomon and Marie Muller

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The call for Africa's renewal, for an African Renaissance, is a call to rebellion. We must rebel against the tyrants and the dictators, those who seek to corrupt our societies and steal the wealth that belongs to the people. We must rebel against the ordinary criminals who murder, rape and rob, and conduct war against poverty, ignorance and the backwardness of the children of Africa. Surely, there must be politicians and business people, youth and women activists, trade unionists, religious leaders, artists and professionals from Cape to Cairo, from Madagascar to Cape Verde, who are sufficiently enraged by Africa's condition in the world to want to join the mass crusade for Africa's renewal. It is to these that we say, without equivocation, that to be a true African is to be a rebel in the cause of the African Renaissance, whose success in the new century and millennium is one of the great historic challenges of our time.

South African President Thabo Mbeki

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Introduction

Hussein Solomon¹

We live in dynamic and turbulent times and the African continent is possibly the archetypal example of the world as we stand at the threshold of a new millennium. From the Atlantic to Indian Oceans, from the Mediterranean Sea to Cape Point, lies Africa, a continent fecund with contradictions and change. The ambiguity that is Africa confounds both proponents of an African Renaissance and its sceptics. Consider the following: as coup-ridden Nigeria returns to democratic civilian rule under the leadership of President Olusegun Obasanjo, the government of President Vieira of Guinea Bissau is toppled by the men in uniform; as civil war rages on in Angola and the Democratic Republic of the Congo, efforts to secure peace in Sierra Leone are gaining momentum. These anomalies do not simply exist around the contest for political power, but also in the economic sphere. Thus in an era which witnesses Africans accounting for one out of every four poor persons in the world, there are signs pointing to an African renewal. In 1998, for example, economic growth for the continent was estimated to be 3,2%, with 21 countries having a Gross Domestic Product (GDP) rate of 5% or more.

In order to make sense of the ambiguity that is Africa, there is a desperate need for us to understand the African continent in its own terms. Such an understanding, however, is an essential prerequisite for rectifying the many ills that afflict this beloved continent of ours. In order to facilitate more holistic understanding of Africa, the African Centre for the Constructive

Resolution of Disputes (ACCORD) and the Department of Political Sciences at the University of Pretoria engaged in a joint initiative – the Africa Dialogue Lecture Series – in July 1998. The aim of the series is to create a forum for discussion and debate among African scholars, civil society, the diplomatic community and civil servants on some of the thorny issues raised above. Since its inception, the lecture series has provided a forum for critical debate on such diverse areas as prospects for Africa's economic growth, Egyptian foreign policy, the June 1999 South African elections, peacekeeping, human rights and the International Criminal Court.

Within the pages of this publication lie four articles that emanate from the discussions in the lecture series. Underlying these four presentations, and the lecture series as a whole, is the theme of an African Renaissance. Afro-pessimists often scoff at the call for an African Renaissance, arguing that it is a concept devoid of content. However, this view is erroneous. All over the continent, it is clear that the vision of an African Renaissance is forming the basis of policy documents emanating from national governments, sub-regional organisations and the Organisation of African Unity itself. For example, according to John Stremlau² South Africa seeks five broad foreign policy objectives in its drive to secure an African Renaissance. These are:

- (i) the economic recovery of Africa;
- (ii) the establishment of political democracy throughout Africa;
- (iii) the end of neo-colonial relations between Africa and the world's economic powers;
- (iv) the mobilisation of the people of Africa to take their destiny into their own hands; thus preventing the continent from becoming a place for the attainment of geo-political and strategic interests of the world's most powerful countries; and
- (v) the fast development of people-driven and people-centred economic growth and development aimed at meeting the basic needs of people.

But critics of the concept will not be so easily silenced. They point to civil wars occurring in some African states and ask how a Renaissance of the continent is possible under these conditions? This can be countered at three interrelated levels. First, as has been pointed out above, the situation on the continent is far more nuanced than some would have us believe, with prosperity coexisting with poverty and conflict coexisting with peace and cooperation. Second, the African Renaissance is not an event, but an unfolding process in which we Africans positively contribute to our own

emancipation from the blight of war, the yoke of repression and the hunger of poverty. In doing so we become our own liberators and in the process regain our pride in being African. Finally, it could be argued that it is precisely because of the existence of famine and conflict that the call for Africa's renewal is essential.

A brief survey of the African continent would reveal that it is on the economic front that Africa faces its most pressing challenges and it is here that the edifice of a resurgent Africa is laid. After all, in the absence of economic growth, democracy and hence political stability cannot be sustained. In addition, Africa's strategic marginalisation in the new global order is closely related to its peripheral status in the international economy. In the first article, then, Lolette Kritzinger-van Niekerk highlights some of the key economic challenges facing the African continent, stresses the need for deepening, sustaining and spreading economic benefits to more African countries and their peoples. Very importantly, the article concludes with clear policy recommendations to ensure Africa's economic revival.

But politics, economics, the environment and socio-cultural variables do not exist in isolation from each other and just as there can be no political stability in the absence of economic growth, so too can there be no economic revival if armed conflicts continue to plague this continent. The establishment of an effective peacekeeping capacity on the African continent would go some way to assisting in resolving such conflicts. In his article, Cedric de Coning critically analyses the Southern African Development Community's (SADC) military intervention of Lesotho with a view to formulating lessons learned that can improve SADC's ability to undertake peace missions in future.

But armed conflicts are often a reflection of a deeper political malaise affecting African states where certain groups feel alienated from the political process on the basis that they do not have the same access to the levers of power as other groups. Often those alienated then 'delink' from the formal political structure and reconstitute themselves as insurgents on the basis of ethnic or religious identity. Recent events in the Caprivi Strip of Namibia and strife-torn Sudan illustrate the point well. A constitution that is inclusive as opposed to exclusive and is the result of a consultative and participatory process can go some way in reducing these tensions. This is eloquently argued in Clive Napier's article. Napier also notes that a constitutional Renaissance has the potential to reconstitute the State along more inclusive lines, which would promote real political stability and economic growth. Napier also

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stresses the need to incorporate the notion of constitutionalism in pre-colonial Africa into present African constitutions.

Finally, Ambassador Khattab notes that to realise the vision of an African Renaissance it is essential that we Africans work together collectively and in a structured manner to secure peace and development on our continent. To this end she powerfully argues that existing regional groupings should be the building blocks for a unified Africa cooperating together under the banner of a revitalised Organisation of African Unity (OAU).

Underlying all four articles is the theme that we Africans need to take responsibility for the sorry state our continent is in and need to collectively work towards the re-awakening of Africa. In this, the authors echo the thoughts of President Thabo Mbeki³ who stated:

Africa has no need for the criminals who would acquire political power by slaughtering the innocents as do the butchers of the people of Richmond in KwaZulu-Natal. Nor has she need for such as those who, because they did not accept that power is legitimate only because it serves the interests of the people, laid Somalia to waste and deprived its people of a country which gave its citizens a sense of being as well as the being to build themselves into a people. Neither has Africa need for the petty gangsters who would be our governors by theft of elective positions, as a result of holding fraudulent elections, or by purchasing positions of authority through bribery and corruption. The thieves and their accomplices, the givers of the bribes and the recipients are as African as you and I. We are the corrupter and the harlot who act together to demean our Continent and ourselves. The time has come that we say enough and no more, and by acting to banish the shame, remake ourselves as the midwives of the African Renaissance.

Notes

- 1 Hussein Solomon is Research Manager of the African Centre for the Constructive Resolution of Disputes (ACCORD).
- 2 Stremlau, J., *African Renaissance and International Relations*, South African Journal of International Affairs, 6(2), 1999, p.62-63.
- 3 Speech by South African President Thabo Mbeki on The African Renaissance, Gallagher Estate, 13 August 1998, p.1.

Economic Aspects of the African Renaissance

Lolette Kritzinger-van Niekerk¹

'Africa is on the move. From Mali to Uganda to South Africa, hope and real success are transforming the continent. A new spirit of social and economic progress has energised much of the region. Gradually the rest of the world is beginning to take notice of Africa'. These are the words of Callisto Madavo and Jean-Louis Sarib, vice presidents, Africa Region of the World Bank from a 1997 paper *A New Africa is Generating Success and Hope*. K.Y. Amoako, executive secretary of the United Nations Economic Commission for Africa,² notes that the '... vision of an African Renaissance is not a mirage. Tangible and encouraging progress has been made by many countries in reforming their economies, and in putting in place the right policies and structures to ensure equitable growth and reduce poverty'.

However, although Africa is on the move and hopes are high for her emergence from decades of stagnation and crisis, the challenges remain vast. This paper, first, highlights some of these challenges and the need for deepening, sustaining and spreading the benefits to more countries and their peoples; second, it focuses briefly on current conditions and emerging understanding underpinning an African economic Renaissance; third, it touches in more detail, on select aspects of the issues required for an African economic revival. This paper neither pretends to deal with even these few aspects

comprehensively, nor infers that other aspects of a holistic, comprehensive development framework are unimportant.

The need for an African economic Renaissance

According to the World Bank, Sub-Saharan Africa (SSA) is the most important development challenge of the twenty-first century. On the eve of the new millennium, the 1998 United Nations Conference on Trade and Development (UNCTAD), Trade and Development Report³ also devotes an entire section to Africa's development and prospects. It notes that after about a decade of relatively satisfactory growth, economic performance worsened in most countries in SSA in the second half of the 1970s. Thereafter, with a few exceptions, the region as a whole experienced two decades of almost continued economic decline.

Since the early 1980s, many countries have adopted economic policy reforms under structural adjustment and stabilisation programmes sponsored by the Bretton Woods institutions. Emphasis has been placed on a reduced role for the state, greater reliance on market forces and a rapid opening up to international competition as keys to unlocking Africa's growth potential. However, despite many years of policy reform, very few countries in SSA have successfully completed their adjustment programmes with a return to sustained growth and development.

According to the United Nations Development Programme (UNDP), some 80% of the low human development countries – countries with high population growth rates and low income, literacy and life expectancy – are in Africa. Today 583 million Africans (10% of the world's population) produce only 1% of its GDP. Africans account for one out of every four poor people in the world, with 45% or 262 million of the African population living on less than US \$1 a day. About 200 million are without access to proper health services, 47% without access to safe water, 63% without access to sanitation, while there are an average of two telephone lines per 100 inhabitants (compared to six in Asia and 30 in the Americas and Europe). Some 15 countries out of 48 still enroll less than half of their children in primary school, while 25 countries have an adult literacy rate below 40%. By and large, the continent's poverty remains a rural phenomenon, with 59% of the rural population living in poverty. Recent evidence also suggests the widening income gap between rich and poor is becoming an added difficulty

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in Africa's fight against poverty, with Africa now ranking second only to Latin America in income inequality. Gender inequality in access to and control of economically productive assets is another of the many dimensions of poverty. Africa has also 21 of the 37 low food-secure countries in the world, with the situation closely related to the continent's decline in agricultural productivity due to environmental degradation, apart from inhibiting macroeconomic and sectoral policies.

Among the most notable structural features of the African economic landscape, are:

- the low level of industrialisation, where only a handful of countries' manufacturing sectors contribute more than 25% to GDP, a level which is often taken as a benchmark for indicating the threshold for industrial take-off;
- the domination of primary rather than processed or semi-finished products within Africa's export basket; and
- the small markets of many African economies, indicated by the 22 of the 51 countries having populations of five million or less, of which half have populations of less than one million, a situation which is exacerbated by low incomes.

Against this background, resource flows for financing development are a critical challenge for the continent: 28 of the 38 severely indebted low-income countries in 1998 are located in SSA, real official development flows are declining, the region has received only about 1% of total private capital flows to developing countries and only 3% of total foreign direct investment over the past three years, while its share of developing economies' world exports has steadily declined from 2,4% in 1970 to 0,8% in 1995.

However, as the millennium approaches, recent growth figures out of Africa have begun to point to the first hopeful signs of economic revival in several countries, after decades of stagnation. The recovery that began in 1994, with per capita income rising by about 1% per annum in the subsequent four years, gives grounds for cautious optimism. In 1998, economic growth was estimated at around 3,2%, compared to 3,4% in 1997, 5,5% in 1996 and 2,9% in 1995. Last year, 21 countries out of a total of 48 had a GDP growth rate of 5% or more and at least 38 countries had positive GDP per capita growth rates.

The 1998 UNCTAD Trade and Development Report concedes that the current policy approaches and efforts could have arrested Africa's

long-standing economic decline and that the medium-term prospect may not be as bleak as the performance over the past two decades. However, it notes that during the past three years, only a few countries have been able to sustain sufficiently high growth rates to translate into better living conditions for their people. Furthermore, the current recovery is not underpinned by a strong investment performance. Rather, it seems to reflect a greater utilisation of existing capacity and owes much to what appears to be a temporary upswing in commodity prices. Even if the growth of the past three years could be sustained in the coming decade, that would not reverse the marginalisation of the region or have much of an effect on widespread poverty, and would constitute little more than the recovery of ground lost during the past 20 years. Africa, therefore, needs to at least double its economic growth rates to 8%–10% levels in the next 10 years. The Economic Commission for Africa, in its 1999 Economic Report on Africa,⁴ also cautions against complacency by any African country in the wake of the recent promising progress: serious challenges remain and the long-term sustainability of economic and social progress of many African countries is at best fraught with uncertainty. The report's analysis indicates that nearly two-thirds of the 46 countries analysed have low sustainability capacity and that only five countries, which account for a mere 5.7% of Africa's population and 27% of its GDP, possess the minimum conditions to sustain growth and development.

From this brief perspective on economic challenges, the questions arise: How can Africa's recent economic progress be deepened and broadened to achieve continent-wide sustainable growth and development? Are current policies and actions sufficiently taking into account realities and conditions in SSA? On the latter question, UNCTAD is doubtful and maintains that: 'A bold vision is now needed for African economic development, involving a comprehensive reassessment of international and domestic policy approaches in order to translate the current recovery into stronger and sustained growth'.

Changing conditions and understandings underpinning an African economic Renaissance

Since the beginning of 1997, some cautious optimism about Africa's recent economic performance and prospects has come out of Washington. The executive management of the World Bank promptly described it as 'Africa is on the move'. They observed, in the words of Jean-Louis Sarbib, Vice President,

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Africa Region of the World Bank,⁵ that:

- For three years in a row... economic growth has outstripped the 2,6% population growth....
- Countries are opening up politically – with greater participation of civil society. [More than 40 SSA countries out of 48 are at various states of political liberalisation]. The opening up of civil society and greater participation of ordinary people in the development process augurs well for the future, and their participation in economic decisions will bring social legitimacy to many of the tough choices involved in promoting national growth.
- There is evidence of a much greater role of African leaders in solving their own conflicts and problems... but also in mastering their economic destinies. Some of these leaders have begun to articulate a vision for us....
- Many countries have embraced modern market economics and are deepening their reforms to make the private sector the engine of growth.

Indeed, a vision, leadership and conditions for renewed development in Africa have been articulated by South African leaders as the now familiar ‘African Renaissance’. President Thabo Mbeki, in an address at the United Nations University,⁶ said: ‘The conviction therefore that our past tells us that the time for Africa’s Renaissance has come, is fundamental to the very conceptualisation of this Renaissance and the answer to the question: Whence this confidence?... Who were we?... What shall we be?..’

He then continues and mentions a number of elements in defining the concept. These include the need:

- for establishing and maintaining systems of good governance;
- to introduce new economic policies, which are designed and owned by Africa, and which seek to create conditions that are attractive for the private sector;
- to reduce the participation of the state in the ownership of the economy and to build modern economies;
- to enter into regional economic arrangements to overcome the disadvantages created by small markets; and
- the introduction of policies to ensure access to good education, adequate health care, decent houses, clean water and modern sanitation.

All of this has to be done to rebuild and reconstruct the economies of Africa, achieve high and sustained rates of growth, reduce unemployment, provide a

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better life for the people and to eliminate poverty. Mbeki further indicates that, in a world of increasing global interdependence, Africa constitutes the principal development challenge and calls for:

- concerted international efforts to bring about debt relief to the many countries on the continent which suffer from an unsustainable debt burden;
- the introduction of measures to encourage larger flows of capital into the continent;
- generous trade policies, to provide for market access to African products;
- a reversal of the decline in development assistance; and
- the need for Africa to ensure that she 'occupies her due place within the councils of the world', thereby participating in multilateral processes of decision-making affecting her development. This is in recognition of the fact that the processes of liberalisation and globalisation are associated with further development and establishment of frameworks for global governance in the areas of finance, investment, and trade as well as a number of trade-related aspects such as competition policy and environment.

Also in early 1998, at the invitation of the president of the Republic of Uganda, the heads of state and governments of the Democratic Republic of Congo, Ethiopia, Kenya, Mozambique, Rwanda, Senegal, Tanzania and Zimbabwe, the vice president of Botswana, the executive deputy president of South Africa, the minister of finance of Zambia and the president of the World Bank participated in a two-day forum, the first of its kind, held in Kampala. The exchange of views that took place between African leaders and the president of the World Bank inaugurated a new partnership between that institution and Africa. The principal objective of the forum of African leaders was to identify the main obstacles to and priorities for development in Africa, in order for the World Bank and other development partners to support the efforts being made by African countries in a more effective and constructive way.

Obstacles that were pointed out included: inadequate levels of human development; inadequate physical and social infrastructure; inadequate ranking of development imperatives in order of priority; bureaucracy and negligence; the low capacity of added value and the unfavourable exchange conditions; restrictions and fragmentation of the markets; the underdevelopment of the agricultural sector dominated by subsistence farming; the limited access to western markets; the heavy debt burden; the low rate of savings and

the absence of a spirit of enterprise; and a lack of research and application of technology. Priority development areas identified as calling for immediate attention included: human resources and capacity building; the transformation of rural regions; the development of the private sector; regional integration; the prevention and settling of disputes; and the reform of the public sector and good governance.

The forum thus afforded African leaders the opportunity of indicating how they envisage the development of Africa, also pointing out that Africa continues to pose the most serious development problem facing the world and that it should therefore be considered by the World Bank as the region to which priority should be given in terms of its development efforts. For this purpose, they pointed out particular areas, lending themselves for World Bank support, including: infrastructural development; human development; the speeding up of the implementation of the initiative on the Partnership for Capacity Development in Africa; credit for productive purposes; research in agriculture; regional cooperation; the capacity to mobilise local resources through the intermediation of monetary markets, banks, cooperatives and stock exchanges; the need to ensure increased financing and to give priority to SSA; the promotion of foreign investments into Africa; and true partnerships for the financing of development.

Subsequently the forum had a second meeting in Senegal during June 1998. Arising from these meetings, a steering committee has been formed consisting of heads of state of South Africa, Uganda, Gabon and Senegal representing the Southern African, East African, Central African and West African constituencies respectively. This steering committee was scheduled to convene a meeting with the World Bank in Dakar, Senegal, on 19 July 1999.

Another concerted effort is the creation in 1998 of the African Development Forum (ADF) by the Economic Commission for Africa (ECA) and the Organisation for African Unity (OAU), in consultation with a number of African governments, and Africa's bilateral and multilateral partners. The rationale for this forum is that Africa (governments) should set its development priorities, articulate them, seek the best policy advice and bring the international community on board to support home-grown programmes. The practice of the past, where Africa has abdicated her responsibility for development agenda-setting and implementation, has led to a proliferation of donor-driven forums and agendas on Africa's development, which has hardly led to durable, relevant development results. In an attempt to indicate issues for further deliberation, the ECA published a report in May 1998, *The ECA*

and Africa: Accelerating a Continents Development, covering topics such as the African development challenge; supporting effective poverty-reduction policies; expanding trade and investment opportunities; raising gender awareness; addressing population, environmental and agricultural linkages; harnessing information for development; promoting regional cooperation and integration; promoting the capable state; and forging partnerships for Africa's development. The first of the ADF's biennial meetings will take place in October 1999 on *The Challenge to Africa of Globalisation and the Information Age*.

In an initial attempt to identify policy options, UNCTAD also confirms the policy orientation coming out of Africa. It emphasises that at the international level a rapid removal of the debt overhang, as the single most important step, has to be taken. It cautions that increasing net resource transfers through debt relief will not succeed unless this is accompanied by appropriate domestic policies designed to break out of the vicious circle of low productivity and heavy dependence on a small number of primary commodities – a situation that prevails in a large majority of African economies. Any such structural change would require considerably higher rates of investment than have so far been achieved, in both primary and secondary industries and by both the public and the private sector. The UNCTAD 1998 Trade and Development Report laments the approach to structural adjustment by the Bretton Woods Institutions, focusing on getting prices 'right' in economies characterised by the absence or imperfection of markets. Structural constraints prevent the efficient functioning of markets and these need to be addressed urgently. UNCTAD maintains that the mainstream assessment of prospects for Africa is based on faith in growth-enhancing market forces, rather than on a careful examination of constraints and opportunities, while also underestimating the importance of removing the debt overhang in initiating a self-sustaining process of growth.

Within the Bretton Woods institutions clear changes are also visible in their understanding of economic development as indicated by the emergence of the so-called post-Washington consensus. It is increasingly conceded that making markets work requires more than liberalised trade, macroeconomic stability and getting prices right. It also requires aspects such as sound financial regulation, competition policy, investment in human capital, technology transfers and investment in infrastructure to address some of the locational conditions necessary for attracting productive investment. Another issue that emerges from the post-Washington ideas on development, is that 'whatever

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the new consensus is, it cannot be based in Washington. If policies are to be sustainable, developing countries must claim ownership of them'.⁷ At the core of the Comprehensive Development Framework, put forward by the president of the World Bank,⁸ is a focus on a holistic approach to development, applied over a 10 to 15 year time-frame, with the country in the driver's seat and with strong partnerships among donors, the private sector and civil society. The proposal also seeks to put the social, structural and human aspects of development on a par with the more traditional macroeconomic analysis of countries – arguing that unless both sides of the development coin are addressed simultaneously, sustainable growth and development will not be achieved.

Another multilateral financial institution that is influential in shaping Africa's policies through its policy-based lending is the African Development Bank. In its African Development Report 1999, the African Development Bank states:

[t]here is now wide consensus, within and outside Africa on the broad policies and strategies that promote accelerated and broad-based growth. These include:

- enhancing both the magnitude and productivity of investment, especially by deepening economic reforms, and promoting the development of the private sector;
- building human capital through efficient delivery of public services, principally health, education and nutrition;
- addressing the long-term foundations of development, environmental care and the pursuit of good governance;
- promoting regional integration; and
- investing in infrastructure development.

Select economic aspects of the African Renaissance

This section elaborates on a few of the principal economic aspects for Africa's development, financial aspects of Africa's development, trade and regional cooperation and integration. In setting its own development agenda, much remains to be done by Africa in terms of thorough analysis of the challenges and constraints to be addressed for developing effective and efficient instruments and modalities for intervention, also for purposes of allowing for the diversity of conditions among African countries and groupings of countries.

Financial aspects of Africa's development

Debt and debt relief

Available estimates indicate that the outstanding external debt of SSA countries decreased slightly in 1997, but increased again marginally in 1998. Their total external debt was US \$222,6 billion at the end of the year as compared with US \$227,2 at the end of 1996. The external debt burden remains high: it averages about 50% of GDP and nearly 250% of exports. Multilateral financial institutions are increasingly becoming the major creditors and their continued expansion of lending to SSA are being offset by declines in outstanding debt owed to other creditors.

Financial indicators

| INDICATOR | 1980 | | 1990 | | 1996 | | 1997 | |
|-------------------------------------|-------|------|--------|-------|--------|-------|--------|-------|
| | DCs | SSA | DCs | SSA | DCs | SSA | DCs | SSA |
| Total Debt Stock (US\$bn) | 603.3 | 84.1 | 1443.9 | 196.2 | 2095 | 227.2 | 2171.4 | 222.6 |
| Long term | 445.3 | 58.5 | 1167.9 | 161.6 | 1650.1 | 179.1 | 1728.5 | 179.2 |
| Short term | 146.5 | 22.6 | 241.4 | 28.0 | 385.2 | 39.6 | 381.4 | 35.7 |
| Debt Indicators (%) | | | | | | | | |
| EDT/XGS | 84.9 | 91.9 | 161.8 | 232.2 | 137.4 | 221.6 | 134.3 | 201.7 |
| EDT/GNP | 21.2 | 33.6 | 35.0 | 74.7 | 36.0 | 77.8 | 34.9 | 71.2 |
| Multilateral/EDT | 7.7 | 9.0 | 14.1 | 19.5 | 13.6 | 24.1 | 13.4 | 24.7 |
| TDS/XGS | 12.8 | 9.8 | 17.2 | 18.0 | 17.2 | 14.2 | 16.7 | 11.5 |
| Net long-term flows (US\$bn) | | | | | | | | |
| Total private flows | 84.0 | 15.1 | 98.3 | 17.2 | 281.6 | 17.2 | 300.3 | 20.8 |
| FDI | 4.4 | 0 | 23.7 | 0.8 | 119.0 | 3.3 | 120.4 | 3.0 |
| FPI | 0 | 0 | 3.2 | 0 | 45.8 | 2.0 | 32.5 | 2.1 |
| Grants (excl. TA) | 13.2 | 3.7 | 29.2 | 12.3 | 29.2 | 11.1 | 25.1 | 10.6 |

DCs Developing countries

SSA Sub-Saharan Africa

EDT Total external debt, including short-term and use of IMF credits

XGS Exports of goods and services

TDS Total debt service on long- and short-term debt

FDI Foreign Direct Investment

FPI Foreign portfolio equity investment

TA Technical assistance

Source: Table compiled from data in *World Bank 1998, Global Development Finance*

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However, this pause in the growth of SSA's external indebtedness may mask the continued difficult debt situation of the majority of these countries. Forty-one countries have been identified as heavily indebted poor countries, of which 33 are in Africa, most of which are in principle eligible for consideration of additional relief under the highly indebted poor countries (HIPC) initiative of the World Bank and IMF.

The HIPC initiative was a major step towards addressing the debt problems of the poorest countries in a comprehensive way. The initiative was announced at the annual meeting of the World Bank and IMF in September 1996, with the endorsement of the international community. This initiative is based on the premise that 'sustainable development requires sustainable debt'. It represents a commitment to reduce to sustainable levels the overall external debt burden of an eligible country that has successfully completed a period of strong policy performance. The HIPC initiative is guided by the following principles:

- case-by-case restoration of external debt sustainability to eligible countries;
- coordinated and concerted participation by all official and commercial creditors;
- preservation of the international financial integrity of the participating multilateral and bilateral creditors;
- assistance to build upon past and existing debt alleviation measures;
- concessional and policy-tied new finance to beneficiary HIPCs; and
- an economic track record and poverty alleviation plan.

This initiative builds on the existing mechanisms for providing debt relief, particularly the Paris Club (using the Naples terms as the starting point for debt relief measures). Other bilateral and commercial creditors are required to provide treatment comparable to that provided by the Paris Club. Where existing mechanisms would not permit the achievement of sustainability upon completion of a first stage of adjustment and reform, enhanced action under a second stage is envisaged, including a deepening of relief in the Paris Club and action by multilateral creditors.

Although the HIPC initiative represents a major breakthrough, overall eligibility criteria, conditionalities and the operational definition of debt sustainability will determine the benefits which severely indebted countries will ultimately derive. From the way the implementation of the scheme has been shaping up and on the information about the timetable envisaged, it seemed that far fewer countries were likely to benefit than the original list of

HIPCs appeared to indicate and that few will do so before the year 2000. Therefore, over the past year more flexibility has evolved as a result of the application of exceptional treatment in some HIPCs, in particular Uganda, Bolivia and Côte d'Ivoire. Framework modifications have included the addition of other debt indicators to determine eligibility, a shorter time-frame (than six years) for countries with a strong track record; and a combination of debt reduction and additional interim financing by the World Bank to compensate through cash flow savings for a delay in the completion point. However, Africa, including SADC, is appealing for amendments to the HIPC initiative and specifically for a relaxation of eligibility criteria; shortening of the interim period of debt relief, the need to ensure that a country's total record of adjustment and reform are adequately recognised, and a review of debt sustainability ratios to provide deeper and wider debt relief. Furthermore, there is a call to the donor countries for making additional contributions to the HIPC Trust Fund where current pledges amount to about 10% of the estimated US \$4 billion required for debt relief in terms of the initiative. A controversial proposal to contribute to the funding of debt relief through the sale of 10 million ounces of the IMF's gold reserves, has met with vocal opposition from African gold-producing countries, many of them also classified as highly indebted poor countries. There is no doubt about the severe costs in terms of loss of export earnings (estimated at US \$50 million for African HIPCs calculated on 1998 production figures) and direct and indirect income and job losses for such countries of this funding measure.

The current focus on the HIPCs should not leave aside the debt problems faced by other severely or moderately indebted countries that have not been included in this category. The debt relief requirements of such non-HIPC countries should also be met and they should be given assistance, as needed, in formulating appropriate financing and borrowing strategies.

There is also merit in establishing a link between debt relief and poverty reduction. For example, debtor countries and their creditors could agree that resources released through exceptional debt relief be allocated to social and human development programmes. This would address donor and debtor concerns about poverty reduction and perhaps also appeal to public opinion in the countries financing debt relief operations. Models for possible mechanisms are provided by the debt funds set up by Uganda and Bolivia to channel contributions to debt relief.

It is clear that with most of the HIPCs being in Africa, every opportunity for interaction with the donor community and Bretton Woods Institutions

should be sought on the review of the initiative, including its funding, in view of the huge fiscal resources (estimated at an average of 25% of revenue) that are currently diverted away from developmental efforts towards debt servicing.

Private capital flows

The mobilisation of resources for investment has long been acknowledged as a key condition for achieving long-term economic growth. For SSA, however, the average savings and investment rate has been much lower than that of other developing countries and well below the level needed to stimulate or sustain a strong economic recovery. This has been exacerbated by the decline in public investment levels in many countries as governments pursued more prudent budgetary and fiscal policies. In addition, the contribution of private foreign investment remains low. Africa has become increasingly marginalised in terms of Foreign Direct Investment (FDI) flows and is failing to attract:

- a proportionate share of growing FDI flows to developing countries. Africa's share of developing country FDI inflows has declined in a context of rapid growth in inflows to developing countries, although in absolute amounts it attracted an estimated US \$5 billion in 1998, more than twice the level at the beginning of the decade; and
- the kind of investment that buttresses economic development, i.e. investment in industry, specifically the manufacturing sector as it enables countries to diversify their production structures and develop an industrial base. The principal sectors of interest for foreign firms are minerals (including oil), infrastructure due in part to public divestment, and agro-industry, including fishery. Over two-thirds of foreign investment in Africa since 1960 has been in oil and mineral extraction and production.

Global economic conditions – such as larger surplus savings in industrialised countries; cyclical developments in industrial countries (low interest rates, weak economic activity); and favourable conditions in developing countries – resulting in higher returns on investment and stronger economic growth prospects have been responsible for the rapid growth of FDI inflows to developing countries. In the case of Africa, all the factors which attract FDI to other developing countries have been occurring to a greater or lesser degree during the 1990s. Apart from changes in political and macroeconomic conditions, these factors include privatisation, increased liberalisation of markets and more open FDI and trade frameworks as well as business facilitation measures. In addition to the improvement of national policies related to FDI,

a large number of African countries have signed bilateral investment treaties, 41 have acceded to MIGA as well as the Convention on the Settlement of Investment Disputes between States and nationals of other states (ICSID), 40 African countries have adopted the Paris Convention for the Protection of Industrial Property and 41 African countries have signed one or more agreements in the World Trade Organisation (WTO) relating to FDI.⁹

Africa's¹⁰ marginalisation in terms of capital inflows is related to structural impediments, lack of country creditworthiness and negative perceptions about the continent by potential investors. These perceptions seem to be largely related to market constraints, the fact that many African countries have liberalised their economies under structural adjustment programmes, but have failed to strengthen their institutional frameworks in order to reap the benefits of liberalisation and mitigate the costs.

Key factors underlying Africa's failure to attract FDI include:

- (i) Structural constraints relating to:
 - Market-related constraints such as product and factor market failures and limited domestic markets, apart from restricted access to external markets. With regard to financial markets, banking systems are often weak and inefficient, implying poor intermediation; the absence of efficient, long-term financial institutions, capital markets, stock exchanges, etc. limits possibilities for mobilising equity and other long-term funds; and lack of and expensive trade financing inhibit trade. Markets in general are often concentrated and competition lacking. Lack of the institutional fabric incorporating economic agents and civil society and the relationship between economic institutions and the state inhibit continuous dialogue and the flow of appropriate information necessary for attracting (sector-specific) investment and promoting trade.
 - Structural barriers such as lack of good infrastructure, both insufficient supply and poor maintenance, is a major obstacle to investment and trade. Deficiencies in human capital are strong deterrents to investment and relate to the absence/shortage of a critical mass of trained personnel, the shortage of managerial and technical skills, the shortage of entrepreneurial capacity as well as to the organisation of labour. Markets are unattractive for investment due to low incomes and low growth in incomes, while populations might be rural and too dispersed or too small.

(ii) Lack of country creditworthiness.

The loss of reputation sustained by the region in its pursuit of economic policies inimical to private investment in the past is hard to recover, even in the medium-term. Another key issue is perceptions about policy inconsistency or uncertainty about policy reversals due to the failure to design (often externally designed) and implement comprehensive and consistent structural adjustment programmes. In many instances a contributing factor is insufficient financial support from multilateral agents for implementation of structural adjustment programmes. Furthermore, the relatively heavy debt burdens of many African countries is contributing to their lack of macro-economic creditworthiness. In spite of investment friendly regulatory frameworks and facilitation measures such as investment promotion and fiscal and financial incentives, investors do not perceive government policy with respect to FDI to be credible because of the divergence between policy and practice in African countries. Manifestations of such divergences are bureaucratic red-tape such as delays in the screening and approval of licensing investments, which contribute to the establishment and transaction cost of investment ventures in a country.

Key issues for policy intervention are:

(i) Development of institutional capacities.

Most African governments have been pressured into liberalising their economies (including foreign investment regimes) through structural adjustment programmes without an adequate institutional framework to buttress a market economy and ensure its efficient operation. A liberalised economy requires a stronger state – in terms of laws and institutions – than a relatively closed, protectionist economy. In the case of Africa, the shift from protectionist and closed to liberal and open domestic economies has not necessarily been accompanied by the development of an institutional framework which enables the state to regulate economic activity and facilitate the operations of the private sector through *inter alia* a credible legal framework which protects private property rights and upholds commercial contracts, financial markets conducive to investment, and transparent and efficient bureaucratic structures. For African governments, the key challenge is to develop policy credibility in the eyes of foreign investors. To do this they have to strengthen the institutional frameworks underpinning their relatively open economies.

(ii) Addressing physical and human capacity constraints.

Without addressing these constraints, Africa would not acquire some of the

crucial locational advantages and aspects of business environment necessary for attracting FDI to broaden their economic bases.

(iii) Reducing perceived risks.¹¹

Multilateral agencies, regional financial institutions and bilateral donors can play an important role in mitigating some of the non-commercial risks of foreign investors by directly mobilising private capital, providing advice and technical assistance on project development and disseminating information to potential investors and lenders. Both SADC and the Common Market for Eastern and Southern Africa (COMESA) are currently investigating guarantee facilities to mitigate non-commercial risks and risk perceptions in the areas of trade and investment. Public agencies can also play a key role in supporting private investment in situations where the private market provides inadequate or incomplete information to potential investors. They can act as brokers in establishing public-private investment partnerships to finance jointly infrastructure investments that neither partner acting alone would be willing or able to undertake. Apart from developing financial institutions in SADC countries engaged in these kind of financial activities, the Economic Community for West African States (ECOWAS) is also investigating mechanisms in this respect.

Although this section has emphasised levels of capital flows and investment, the efficiency of investment, which appears to be generally low across African countries, is of equal importance. Furthermore, this section's emphasis is on foreign investment, but the real problem appears to be with insufficient domestic investment in a social, political and economic climate which is still not as conducive as it might be to private investment, whether foreign or domestic. The first priority for Africa has to be on increasing low domestic savings levels, as indicated by the gross domestic savings/gross domestic product ratio of an annual average of only 21,7% for the period 1990 to 1998, to finance a much higher volume of domestic investment. That does not preclude, however, the continued pursuit of foreign investment.

Official development assistance

For many years now, aid dependence has become a fact of life for many African countries. However, in recent years, financial transfers from rich to poor countries have been under review by donor countries in terms of both the actual level of flows and its role. Consequently aid flows have been declining in terms of donor countries' GNP. On the recipient countries' side, they are also rethinking the role of aid, but have remained steadfast that the

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levels of flows should be maintained over the medium-term to augment their poverty reduction and economic restructuring efforts. At the seventh Conference of African Ministers of Finance held in Ethiopia early in May 1999,¹² the participants recognised the need to reduce dependency on aid in the long-term, but were unanimous in their view that aid levels should be increased in order to reduce poverty and resuscitate economic performance. In considering the effectiveness of aid, the participants to this conference emphasised the need for a new donor-beneficiary relationship based on partnership and a shared vision. They emphasised that the new relationship should focus on an African-driven agenda to foster a sense of ownership in the recipient countries and that aid should be viewed as a part of an integrated framework for financing development.

The empirical findings of a recent World Bank publication on aid effectiveness¹³ provide food for thought for both donor and recipient countries. These findings indicated that ‘... effective aid requires the right timing and second that it requires the right mix of money and ideas’. With regard to the timing of assistance, their research has found that ‘[w]hen countries reform their economic policies, well-timed assistance can increase the benefits of reform and maintain popular support for them. Similarly, at the local level, when communities organise themselves to improve services, the availability of aid can make the difference between successful innovation and failure’. With regard to the mix of money and ideas, the analysis found ‘... that money has a large impact – but only in low-income countries with sound management. Before countries reform, money has little impact’.

Trade

Africa faces a risk of marginalisation in terms of global trading activities due to supply-side constraints inhibiting most of the countries’ ability to take full advantage of the trading opportunities that are created. These constraints include weak technological capacity, lack of entrepreneurial, marketing and technical skills, insufficient and inappropriate infrastructure, paucity of long-term finance and expensive trade finance, and non-transparent legal and regulatory frameworks. As indicated earlier, most African countries are heavily dependent on non- or semi-processed commodities both in production and for exports. Technical progress and new discoveries in developed countries have significantly de-linked the raw material input/final output connection, leading to a slow demand for commodity imports and therefore

declining terms of trade, and often a poverty trap, for such commodity-dependent countries. Furthermore, the erosion of trade preference poses a further risk for commodity-dependent countries, and particularly for net-food importing countries.

In his opening remarks at a G15 Trade and Economics Ministers' Meeting in Jamaica in February 1999, the secretary general of UNCTAD¹⁴ indicated the trends in commodity exports on which most of the African countries rely: '... In the space of one generation – 30 years – the price index for non-fuel commodities is now down by about 60%... the index is today less than one-third of what it was in 1970.... Between 1980 and 1995, world trade in agricultural products grew by 4,7% per year, almost half the rate of manufactured products. Growth in international trade of metals and minerals was even slower than that in agricultural products'.

This emphasises not only the need for diversification of production and exports, by addressing the inhibiting supply-side constraints, but also the importance for Africa, to effectively participate in up-coming WTO Trade Rounds as significant trade tariff and non-tariff barriers remain for products of particular importance to developing countries such as textiles and clothing, transport equipment, leather, rubber, footwear and agricultural commodities. The importance of Africa's and other developing countries' participation in the multilateral trading system is further underscored by the globalisation of the world economy that has increased attention on domestic policy instruments having an impact on the conditions of competition between domestic and foreign sources of supply. UNCTAD in its Least Development Countries Report 1998 (UNCTAD, 1998) cautions that '[the] WTO is becoming more than just a trade organisation: its influence extends beyond trade negotiations and it has a growing impact across a wide spectrum of trade-related issues'. The latter includes the relationship between trade and environment, investment, competition policy and procurement policies, which are currently being studied within the WTO. The report proceeds by saying that developing countries and specifically 'LDCs (least developing countries) therefore cannot remain indifferent to its activities, nor can those that are not yet members expect to remain unaffected by the processes and evolution of the trading system. More significantly, LDC members of the WTO have an opportunity to play a proactive role in the workings of the organisation and to ensure that their interests are properly recognised... on issues that fall within the parameters of the trade-development nexus. Even from a weak multi-lateral bargaining position, these countries can contribute to the dialogue in

the WTO by articulating their interests and formulating specific proposals on the implementation of the Uruguay Round agreements. Those that are not yet WTO members must ensure that accession negotiations take full account of their shared, development-oriented problems’.

Since the coming into force of the Uruguay Round Agreement and the establishment of the WTO in January 1995, African members of the WTO have made varying, but generally limited, progress in their attempts to fulfil their membership obligations. The non-compliance of such countries has been most noticeable in the fulfilment of their procedural notification obligations (pertaining to *ad hoc* notifications, one-time notifications, and regular or periodic notifications). The implementation of specific agreements have also suffered from a variety of constraints, ranging from a shortage of skills, making it difficult to draft or upgrade legislation and regulations, to weaknesses in institutional infrastructure, making it difficult to implement policies and commitments.¹⁵

The message is thus clear that also with regard to the global governance framework for the multilateral trading system, a heavy responsibility rests on Africa to ensure that its broader policy agenda is taken care of. In this, Africa can also fruitfully rely on policy capacities such as UNCTAD, the ECA and others, which can play a very useful role in the pre- and post-negotiation phase. It seems that also within the WTO and broader international trading community, the development paradigm is shifting from one where trade has been seen largely as an end in itself to one where trade is seen as a means towards achieving sustainable growth and development.

Although there will be an erosion of the generalised system of preferences (GSP) as a result of the implementation of the agreements of the Final Act of the Uruguay Round, the real risk of marginalisation for many African countries is further exacerbated by the partial or in some cases total erosion of preferential tariff margins granted under GSP and other preferential trade arrangements such as the Lomé Convention. Without the price advantages that currently allow these countries to compete more effectively with imports from non-preference receiving countries, some of them may not be able to maintain their market shares.

Whatever Africa’s negotiating stance on the post-Lomé dispensation or other trade and aid relationships such as with the USA, important considerations will have to include: Africa’s specific characteristics, needs and objectives for the scope and content of such trade and financial packages to materially support its future development; the complementarity between the

trade and aid aspects of the agreements; the complementarity between the objectives and instruments of the agreements; and the pace and sequencing of phasing in any new arrangement.

Regional cooperation and integration

For many years, regional integration has been regarded by SSA policymakers to be a highly desirable objective. This remains so, despite the lack of decisive and concrete actions to achieve integration. The intuitive appeal for regional integration is drawn from the smallness of SSA economies and the belief that 'there is comfort in numbers,' along with the other benefits to be had from such cooperation. The appeal for integration is now even stronger after several decades. In the present world economy with large trading blocs, SSA needs to be able to attract foreign investment and technology necessary for investment and '[r]egional integration may be the most practicable way to minimise the costs of African fragmentation.... It may thus be a precondition for rather than an obstacle to integrating SSA more effectively with the world economy'.¹⁶

It is argued that regardless of the fact of low nett gains from trade integration, the benefits in terms of non-trade regional cooperation and integration are essential for making Africa respond to increasing global marginalisation. Aryeetey argues that there are new priorities for regional integration in Africa, in place of what has prevailed in the preceding decades. The growing scope of regional integration is derived partly from the new role of the private sector in various countries, wishing to see the removal of all impediments to a greater participation in the economic activities of the entire region, as market size continues to shrink within countries. He also maintains that the continents integration needs to go far beyond trade creation. Its immediate task is to attract as much investment as possible and use it efficiently for both production and exchange.

For Aryeetey, the priorities that the African Economic Commission should deal with immediately in order for SSA regional integration to become an effective development strategy include:

- developing appropriate macroeconomic frameworks to facilitate greater interaction among the resources of countries;
- establishing mechanisms for attracting both private and public capital flows from the rest of the world;
- establishing and publicising the fact that there are gains to be made from

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cooperation in investment in infrastructure and market integration, indicating clearly the opportunity costs of not cooperating;

- designing an appropriate industrial development policy;
- developing an effective compensatory mechanism to ensure that all countries will receive some of the gains from increased trade;
- developing institutional frameworks for the better management of the region's resources including human resources; and
- rationalising (sub-)regional arrangements to reduce replication of efforts and conflicts. In rationalising these existing arrangements, it is essential that the rest of the world views SSA as speaking with a common voice for a clear purpose in order to strengthen its position *vis-à-vis* the other regions and in multi- and bilateral negotiations.

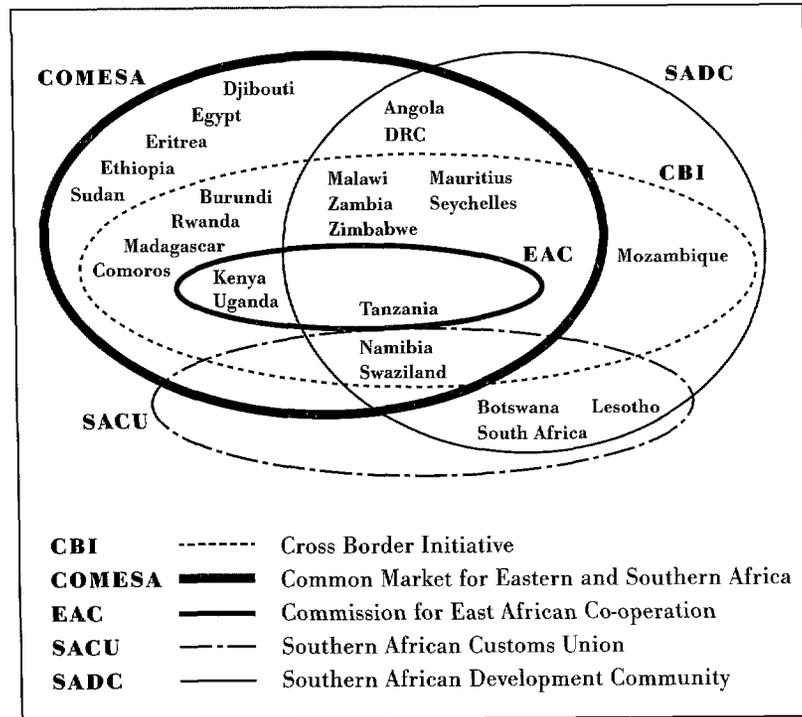
These recommendations are largely in agreement with those of Percy Mistry's¹⁷ views that:

[f]or future regional integration arrangements among developing countries to succeed, [in the world economy characterised by liberalisation and globalisation] most of the studies done have found that the following conditions would be essential:

- strong and sustained political commitments to regional integration arrangements;
- effective mechanisms to distribute equitably the costs/benefits of regional integration arrangements;
- regional trade liberalisation as a complement to unilateral trade liberalisation;
- macroeconomic stability among members with a trend towards convergence; and
- better design of regional integration arrangements.

The need to rationalise (sub-)regional arrangements to reduce replication of efforts and conflicts in integration agendas can hardly be overemphasised. This can be illustrated by the overlapping regional integration agreements,¹⁸ which are prevailing in the southern part of Africa (see diagram on p34).

While the benefits of regionalisation in the African context frequently feature in the analysis of the international financial institutions and donor community, little or no emphasis has been placed in their financing and policy advice on development within a regional context. This is certainly an issue that has to be pursued by African countries in its negotiations with the



World Bank, African Development Bank and bilateral financing community at large.

Conclusion

This paper has indicated the following: that although Africa seems to be 'on the move', the economic development challenges that have to be addressed for realising the objectives of an African Renaissance are vast. The conditions and understanding for an African economic Renaissance seem to be promising judging from the past few years' economic growth performance; the political opening up of the majority of SSA countries to greater participation of ordinary people in the development process; the evidence of a much greater role of African leaders, no less our own leaders in South Africa, in

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solving their own conflicts and problems, but also in mastering their economic destinies; many countries have embraced modern market economics and are deepening their reforms to make the private sector the engine of growth; while development thinking is converging no less between Africa and the Bretton Woods Institutions. There is a growing consensus, reflecting a more holistic, longer-term vision of an African-driven agenda among major partners to the continents development. However, for Africa to master her economic destiny, she will have to take leadership in setting and implementing the development agenda to fully harness the current positive conditions for sustainable growth and development.

Endnotes

- 1 Lolette Kritzinger-van Niekerk is an Economist in the Southern African Business Unit at the Development Bank of Southern Africa. The views in this paper are those of the author and do not necessarily reflect the views of the Development Bank of Southern Africa.
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Lesotho Intervention: Implications for SADC. Military interventions, peacekeeping and the African Renaissance

Cedric de Coning¹

On 22 September 1998, South African troops entered Lesotho to prevent mutinous soldiers of the Royal Lesotho Defence Force (RLDF) from staging a military coup. The South African contingent was part of a Southern African Development Community (SADC) Combined Task Force.² Their objectives were to prevent a military coup, to disarm the mutineers and to create a safe and stable environment for the diplomatic initiative to find a peaceful solution to the political crisis in Lesotho. The intervention achieved all of its objectives. Africa was spared the misery of yet another military coup. South Africa showed the sacrifices it is prepared to make to protect democracy, and to ensure that its vision of an African Renaissance is not derailed – at least not in its own backyard. The mutineers were successfully disarmed and, in the stable environment created by the SADC intervention, the political parties in Lesotho reached agreement on the establishment of a multiparty Interim Political Authority (IPA) that will oversee the government until fresh elections are held after 18 months of transitional rule.

While only time will tell to what degree this agreement will be implemented, and if its implementation will bring political stability to Lesotho, the creation of the IPA itself is a milestone in the political history of Lesotho. The intervention itself, however, has far wider implications. It was South Africa's first foreign military action in the post-apartheid period. It can also be said to have been the first SADC intervention, depending on whether one regards the so called Allied Forces in the Democratic Republic of the Congo (DRC) to be a duly authorised SADC force or not. As such, the Lesotho intervention signals southern Africa's determination to use whatever force is necessary to protect democracy and to ensure that no unconstitutional changes of government take place. If so, this intervention sends a signal to all would be coup plotters in southern Africa that the African Renaissance now has teeth. SADC countries are prepared to use force, even accommodate some casualties, to protect the spirit of democracy and an African Renaissance.

At the same time, however, the way the Lesotho intervention was approved and the first disastrous hours of the intervention caused more harm to South Africa and SADC's image as peacemakers than it did to promote an African Renaissance. The Lesotho intervention has once more shown that many a good intention can have negative consequences if not carefully planned and managed. We should thus make the time, in the spirit of openness and self-criticism necessary to achieve an African Renaissance, to undertake a thorough 'lessons learned' analysis of the Lesotho intervention. Such an analysis should be undertaken with the objective of improving SADC's capacity to anticipate, react and manage conflicts in southern Africa. To do this, we need to understand what kind of institutions, resources and policies we need to achieve that objective, and where we fall short of those requirements at this stage.

Despite its overall success, most commentators are, however, highly critical of the Lesotho intervention, or rather of the way in which it was launched. In the first 36 hours after South African soldiers crossed the border into Lesotho, 48 people lost their lives and the capital city, Maseru, was severely damaged by a riotous mob.³ The mutineers offered fierce resistance and this resulted in a large number of casualties – eight South African soldiers, 40 mutineers of the RLDF and one civilian lost their lives.⁴ Because of the way in which the intervention was authorised, structured and deployed, the opposition parties and the mutineers saw the SADC intervention as a South African invasion aimed at entrenching the rule of the governing Lesotho Congress for Democracy (LCD) party. They reacted with spontaneous

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mass protest action in the streets of Maseru. The protest action deteriorated into rioting, the burning of government buildings and shops, especially those identified with South Africa, and widespread looting. This resulted in a large number of refugees fleeing into South Africa. With many businesses destroyed or closed, there were almost no basic commodities available in Maseru for several days. It is estimated that more than 8 000 people lost their jobs as a result of their places of employment being destroyed or closed. The rioting and looting that followed in the wake of the intervention will leave a scar on the already bleak Lesotho economy for many decades, and will place even greater pressure on an already fragile political system.

The purpose of this paper is to analyse the decision making process, the policies, the institutions and the first 36 to 56 hours of the Lesotho intervention, with a view to formulating lessons learned that can improve SADC's ability to undertake peace missions in future. In the first part of this paper, we will look at the lessons that can be drawn from the Lesotho intervention by analysing the following aspects: the level of authorisation; the mandate; the identity of the SADC Task Force; civilian leadership; rules of engagement; secrecy and surprise; and policy and planning. While this is not an exhaustive list, it is designed to focus on the policy, decision making and institutional issues at stake, with a view to improving these aspects in future. The operational issues have been addressed by a number of other commentators and the South African National Defence Force (SANDF) itself.⁵

The second part of the paper will look at the implications that these lessons learned hold for future SADC missions. These implications will be discussed in the context of the SADC Organ for Politics, Defence and Security. It will highlight the need for a SADC policy on peace missions, and the necessity of developing capacity for early warning, conflict analysis, preventive diplomacy and the greater use of civilian missions. In conclusion, the paper will look at the implications of these lessons learned for the relationship between SADC, the Organisation of African Unity (OAU) and the United Nations (UN).

Level of authorisation

Probably the most significant shortcoming of the SADC intervention in Lesotho was the lack of transparency around the decision to authorise the mission. At the time the intervention took place, it was unclear who took the



decision, when the decision was taken, where it was taken, and what that decision was. It is unclear if there was any formal SADC decision that authorised the Lesotho intervention. If such a decision was taken by SADC, it is unclear if it was authorised at the SADC Summit in Mauritius, at a ministerial meeting, or at a meeting of chiefs of staff. Assuming for a moment that SADC did approve the intervention, what was the mandate approved by SADC for the mission? These are the questions that immediately came to the minds of journalists covering the intervention, to commentators, to foreign diplomats and to many South African politicians and government officials who were not part of the planning and decision making team. As no answers were available, then and now, journalists and commentators speculated on all kinds of possible scenarios to try and find answers of their own. This resulted in all kinds of theories and allegations, for instance that South Africa wanted to incorporate Lesotho into South Africa so that it would have unchallenged access to the Lesotho Highlands Water Scheme.

Most of the theories that were bandied about in the first 48 hours had one common element – they all tried to explain the ‘real’ reason why South Africa ‘invaded’ Lesotho. This implies that South Africa’s action was so incredible that it needed some kind of conspiracy theory to explain why it went so far as to ‘invade’ its tiny neighbour. The word ‘invade’ was widely used by the local and international media, and by the spokespersons of the opposition parties. It suggests that the action was illegal, illegitimate and without any credibility. All the conspiracy theories and the use of the word ‘invasion’ found such fertile ground because there was no or little official explanation for the intervention. The little there was lacked any credibility because it could not refer to any of the normal kind of authorisation procedures the world has come to expect when multinational forces undertake missions of this nature.

The South African government argued that the mission was undertaken under a 1996 SADC decision which gave South Africa, Botswana and Zimbabwe a watching brief *vis-à-vis* the Lesotho crisis, and on the invitation of the prime minister of Lesotho. Some commentators believe that the Lesotho prime minister also requested SADC military assistance at the SADC Summit in Mauritius. Some suggest that a decision was taken at the Mauritius Summit, authorising South Africa, Botswana, Zimbabwe and Mozambique to deal with the matter on behalf of SADC, but that there was no explicit decision that SADC should intervene militarily under certain circumstances, for example to prevent a military coup or to restore the democratically elected

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government if a coup had taken place. In fact, there is no record of such a decision in the minutes. It would appear that the actual decision to intervene was taken at a meeting of defence ministers in Gaborone on 15 September 1998. Only South Africa and Botswana were present at the meeting though, the other ministers having rendered apologies. After South Africa and Botswana took the decision to intervene, the respective military institutions were tasked to undertake combined planning and to prepare for an intervention on 18 September. Through the combined planning process the intervention was moved to 22 September 1998. It would appear that the other countries in the group, i.e. Zimbabwe and Mozambique, were informed of the decision to intervene, and that they were asked to contribute forces to the combined task force. Both were unable, or unwilling, to contribute to the combined intervention force. The final go-ahead was given after consultations within South Africa between the Acting President, Chief Mangosothu Buthelezi, and the President, Nelson Mandela, and Deputy President, Thabo Mbeki, both of whom were travelling abroad at the time. It is understood that the acting president also attempted to inform the presidents of Zimbabwe and Mozambique telephonically of the final decision to intervene, but it is unclear if such consultations actually took place.

It would also appear that SADC, and/or South Africa, failed to officially inform the OAU and the UN of the intervention, and of the reasons why it felt justified to take such drastic action, until weeks later. It is also unclear if it was required to do so. Some commentators argue that Chapter VIII of the UN Charter states clearly that no enforcement action can be undertaken by regional bodies, such as SADC, without prior approval by the UN Security Council.⁶ If the OAU and UN had been approached prior to the intervention, public statements supporting the need and legality of the SADC intervention from the OAU and UN would have contributed a great deal to the overall credibility of the mission.

This chain of events does not imply that the intervention was somehow illegal from a South African point of view. Decisions were taken in South Africa and Botswana at the highest level, giving authority to their troops to intervene in Lesotho. If the same question is asked from within Lesotho, however, the answer would depend on your party affiliation. The opposition parties would argue that the Lesotho prime minister failed to consult with the king of Lesotho prior to requesting SADC to intervene, and that he has thus acted beyond his powers. The legality of the intervention is also less obvious from an international legal or UN Charter perspective. South Africa,

Botswana and SADC failed to obtain prior authorisation from the UN Security Council as required in Chapter VIII of the UN Charter. However, several countries have ignored this requirement in the past – the NATO bombing of Serbia over the Kosovo crisis is perhaps the most recent example – and it is unclear what, if any, recourse the Security Council and the UN have if their member states fail to abide by their own charter. The Security Council has not shown the political will to act against any member state that has ignored this requirement in the past, nor has it ever publicly acknowledged a transgression of the UN Charter in this regard. The Security Council's failure to enforce the UN Charter in this respect has resulted in the continued relevance of the requirement for prior approval, as specified in Chapter VIII of the UN Charter, to be under serious threat in our times.

What the confusion over authorisation does point to, however, is the lack of clarity over what the correct authorisation procedure for SADC missions are? It emphasises the need for a clear and transparent authorisation process in SADC, which will make it easier for all involved to immediately infer credibility on a decision taken after a pre-designed authorisation process has been followed. As the Lesotho intervention proved once more, clarity around how decisions of this nature are taken is crucial to the credibility of multinational missions.

In this case, the South African authorities clearly tried to consult everybody it thought had to be informed, namely the other members of the group tasked by SADC to have a watching brief over SADC. Under the circumstances, however, the consultations proved inadequate, as it did not infer sufficient credibility to the intervention.⁷ It is clear that if SADC is going to undertake multinational peace missions, behind the scene consultations will not satisfy the public and the international community needs to witness a transparent decision making process prior to such missions being deployed. SADC does not yet have a clear policy on how SADC missions of this nature should be authorised. The communiqué announcing the establishment of a SADC Organ on Politics, Defence and Security⁸ indicates, in para 4.2.1(g) that should diplomatic means of ending a conflict fail, the Organ would recommend that the Summit should consider punitive measures. This article implies that a decision at heads of state level may be required to authorise a SADC intervention.

At first it appeared that the South African government agreed with this interpretation. The decision by Zimbabwe, Angola and Namibia to intervene militarily in the DRC was taken at a meeting of ministers of defence. South

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Africa criticised the decision, arguing that a decision to intervene under SADC auspices had to be undertaken at Summit level. South Africa was also critical that the decision was taken at a meeting where not all SADC countries were adequately represented. It thus came as a surprise when the decision to intervene in Lesotho, under SADC auspices, was taken at a defence ministers meeting where only South Africa and Botswana were present.

The situation emphasises the need for a clear transparent policy on what constitutes the correct decision making procedure for a mission to be duly authorised as a SADC mission. Should it be a decision at Heads of State – the so-called Summit – level, or is a Ministerial level decision adequate? If the latter, should it be a meeting of foreign ministers under the auspices of the SADC Organ, or can it be a meeting of defence ministers meeting under the auspices of the Inter-State Defence and Security Committee (ISDSC) as was the case with the approval of the DRC intervention? These are the kinds of issues that need urgent clarification.

In the Lesotho intervention, this lack of obvious inferred legitimacy had a direct impact on the intervention being perceived as a South African, as opposed to a SADC, intervention. In fact, in the first hours of the mission, the opposition parties called it a South African invasion and rallied support on these grounds. The Lesotho, South African and international media, including the all-important CNN, all reported during those first crucial hours that a South African intervention (some reported an ‘invasion’) was taking place. After some hours, some reporters started to refer to the intervention being carried out under SADC auspices. The perception that it was a South African intervention persists, however, and this will probably also be the version most favoured by history. It was only after the Botswana contingent joined the intervention force that it started to be seen, in some circles, as a SADC force.

The lack of a clear authorisation policy resulted in general uncertainty over the legitimacy of the mission. Not only is it necessary for these kind of decisions to be processed at a pre-approved level, it is also necessary for them to be public, transparent and to be clearly understood by all involved. A decision to intervene should have been made public after a formal meeting of, say, SADC ministers of foreign affairs. Everybody would have been aware that such a decision had been taken and the reason why it had been made. The decision could then influence political process on the ground. All UN decisions to authorise peacekeeping missions, enforcement missions or other punitive measures are taken in this public and transparent manner. This

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process has been tested and applied over many years and has become the internationally accepted norm. As the Lesotho and DRC interventions have proven, anything short of that would be viewed with suspicion. If SADC, in the spirit of the African Renaissance, is willing to use military force to protect democracy, it should ensure that the way in which such decisions are taken serve to further the cause of the African Renaissance, not undermine its very philosophical and moral basis because of the arbitrary manner in which such operations have been authorised.

Mandate

Closely linked to the credibility derived from a transparent authorisation process, is the need for a clear, realistic and practicable mandate. The main objectives of the military intervention were to neutralise and disarm the mutinous elements from the RLDF, whereafter stability was to be maintained. The primary objective of the mission was to pre-empt a military coup by the mutinous soldiers in Lesotho.

The objective of the Lesotho intervention was not clearly communicated before and in the early stages of the mission. People had a general understanding that the intervention was intended to restore law and order. What was confusing though, was whether the intervention was undertaken as a neutral third party force, or whether it was undertaken on behalf of the LCD Government. The South African Government indicated that they and other SADC countries were requested to intervene by the prime minister of Lesotho. It is unclear if the head of state, the king, was consulted by SADC.⁹ This begs a fundamental question, which SADC would have to address in its development of policy on peace missions. If it is accepted as policy that SADC could intervene in a country where an unconstitutional change of government has taken place, or is about to take place, should SADC intervene in defence of the government of the day, or should SADC intervene in defence of the constitution of any given country?

As the Lesotho case study has shown, it is at least theoretically possible that the duly elected government of the day may, through its own actions, become illegitimate, or be exposed to have been elected in an illegitimate process. It would thus appear that the only credible alternative is to intervene in defence of the constitution and thus democracy. This would imply that the government of the day would have to allow the intervention force to act as a

neutral third-party force, which in the case of Lesotho, would have implied impartiality with regard to all parties, including the LCD. How does this impact on the relations between the SADC force and the government of the day? How does such a force relate to the country's police force and other government departments if not through the government of the day? Most UN peacekeeping missions are undertaken under these circumstances, and there is thus a huge body of knowledge and expertise on how this can be achieved. In short, it is possible to recognise and work with the government of the day, while still being neutral in the conflict between the government of the day and the opposing force(s). As the situation in Angola has shown, this is, however, never an easy process. The complexity of these situations should serve as inspiration and further motivation that any kind of intervention or peacekeeping actions need to be carefully planned, and carefully executed – so much more reason for a clear and transparent authorisation process, a clear mandate, and agreements, where possible, with all the parties as to the role and status of the neutral intervention force.

Such agreements have to be dealt with in the Status of Forces Agreement (SOFA) concluded between SADC and the country in question. In the case of Lesotho, SOFAs were concluded between Lesotho and South Africa and Lesotho and Botswana, respectively. There was no SOFA with SADC, as SADC does not yet have a body who has the authority to enter into such an agreement, nor has it developed the necessary policies and procedures in this regard.

Without clear information on the purpose of the mission having been made public prior to the intervention, however, the opposition parties interpreted it as an attempt by the South African government to prop up the LCD party and managed to rally support against the intervention on this premise. The opposition interpreted it as an attempt to use force to negate their efforts to prevent the LCD government from taking power in the wake of the allegations of a fraudulent election. Opposition to what they interpreted as South African interference in Lesotho's internal politics was a popular, patriotic and instantly understandable issue that the opposition party supporters understood and wanted to support. In a very short time, they managed to rouse up popular support and staged a popular uprising in the streets of Maseru. They quickly lost control over the large crowd, however, and the protest action transformed into a chaotic, riotous mob. The result was widespread looting and arson that destroyed about 16 businesses or 10% of the large commercial buildings in Maseru.



In reality, the only ‘mandate’ the combined planning group received was an instruction from the ministers that informed them of the decision taken to intervene. They then had to sit down and determine their own goals and objectives based on the political decision handed down to them.

What is needed instead, is for decisions of this nature to be taken in the form of a mandate or formal resolution that clearly spells out the reason for the action, the objectives of the mission, and which contains other crucial information such as the level of force that may be used, etc. Apart from providing the practitioners with a clear set of instructions, such a mandate forces the decision-makers to consider the implications much more holistically. In practice it also results in more thorough analysis prior to the decision as it requires a high degree of technical involvement in the drafting of the mandate by the various military and civilian experts available to the decision-makers. Fifty years of UN peacekeeping has proven that more often than not, these missions fail or succeed at the time the mandate is drafted and approved. If the mission is given an impractical mandate it is doomed to failure. The decision-making process, and the mandate that flows from it, is thus a crucial ingredient in the success or failure of a mission. The Lesotho intervention has once more proven this dictum.

Thus, the lack of a clear, public and transparent mandate for the mission impacted directly on the ability of SADC, and the Combined Task Force, to communicate the reasons for their presence in Lesotho to the people. If a clear mandate was adopted at the time when the mission was authorised by the appropriate SADC body, it would have greatly contributed to everybody knowing what the objectives of the mission were, and what the mission was supposed to achieve. If such a mandate was in the public domain, it could have resulted in the people of Lesotho, the South African public, and the international and local media, responding quite differently to the intervention.

Identity of SADC Task Force

The lack of clarity and transparency in the decision making process and mandate directly impacted on the biggest dilemma the intervention force faced, namely that it was perceived as a biased South African force as opposed to the way it perceived itself, namely as a neutral SADC intervention force.

A number of other factors further contributed to this misperception. Of these, perhaps the most significant is that the planners decided to start the

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intervention before the Botswana contingent had joined the combined force. The result was that it was only South African soldiers who crossed the border on 22 September, and that it was only South African soldiers who were involved in the fiercest battles in the first hours of the intervention. Although the military planners probably thought that speed was of the essence, they did not understand that the multinational identity of the mission was as crucial as speed to the way in which the SADC Task Force would be perceived, and thus ultimately to the overall success of the mission. Again, it is a very well known lesson learned from Somalia and elsewhere that for a force to be perceived as international, it has to be truly multinational. Once CNN referred to a 'South African intervention in Lesotho' it was clear that the authorising process, the mandate and the composition of the force did not achieve the objective of projecting the intervention as a SADC mission. It is obvious that it is extremely difficult to project an intervention force as representing a multilateral entity if only soldiers of one particular country make up the intervention force. This of course, is doubly true if that country is a big powerful neighbour.

The mission also had a very strong South African identity in a number of other ways. Although the mission was the product of a combined planning process by South Africa and Botswana, South Africa was chosen as the lead nation for obvious reasons. It is crucial that these kind of intervention missions have a strong lead nation to ensure unity of command. At the same time, however, the missions image has to emphasise the multilateral aspects of such a mission. It would have been preferable if the mission somehow had a SADC logo and flag, so as to symbolise that the intervention force was operating under the banner of SADC. Again, the use of the SADC logo and flag presuppose that a policy exists as to when the SADC logo may be used to symbolise that a mission has been duly authorised by SADC, and that it is carried out by a SADC Task Force.

There was a lot of confusion over the code name given to the mission, Operation Boleas. It was an automatically generated code name and therefore without meaning or intent, but the continued use of the code name overemphasised the influence of SANDF and the military nature of the mission. The international practice is to give names to these kind of missions that reflect their purpose and their international nature, for example, the OAU Observer Mission to Burundi or the UN Civilian Support Group in Croatia. It would thus have been preferable if the Lesotho intervention had a name that referred to its SADC nature and the purpose of the mission, for example, the

SADC Stabilisation Force, rather than a sinister sounding code name.

The media relations for the mission were handled by the South African contingent, and to a large degree by SANDF in Pretoria. It was thus very difficult to make a distinction between the SADC Task Force media representatives and those of SANDF. As a result there was almost no distinction between the Pretoria-based SANDF media relations operation and that of the SADC intervention force. It would have made a big difference if the media relations were, for instance, handled by civilians or non-South African military personnel representing SADC, as opposed to SANDF military personnel.

The SADC intervention force was visited by the South African minister of defence and the chief of SANDF, General Sipiwe Nyanda, both of whom held press conferences with the commander of the intervention force, Colonel Robbie Harstlief. The images on television and the perceptions created in the written press was that the commander of the Combined Task Force reported back to the South African chief of staff and minister – thereby further emphasising the South African nature of the mission as opposed to the SADC identity of the mission.

All of these combined to convey low level information (visual symbols) that this was a South African as opposed to a SADC mission. At no point, for instance, was there any symbolism that indicated that the intervention force was under the higher authority of SADC, or of a civilian head that could be identified with SADC.

Civilian leadership

These visits appeared, to the uninformed observer, to indicate that the force commander reported to the chief of SANDF and the South African minister of defence, as opposed to SADC or a person representing SADC.

This is partly where the dilemma lies, for if the force commander had to be seen to be reporting to SADC, who would he have reported to? To President Mandela as the current chairman of SADC, or to President Robert Mugabe as the current chairman of the SADC Organ on Politics, Defence and Security? With the impasse around the SADC Organ, and the general lack of policy on these kinds of issues, it would have been impossible for the force commander to report to anybody else but to the lead nation. These images added, however, to the confusion over authority, mandate and the identity of the SADC Task Force.

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All interventions and peace missions have a political objective. In this case, to prevent an unconstitutional change of government and to restore the democratic process. For this reason, the UN, OAU and other such bodies have adopted the practice of placing such missions under civilian leadership. In the case of the UN and OAU, such a person is normally referred to as the Special Representative of the Secretary General. This person personifies the mission and is responsible for the overall holistic management of the peace process of which the military component is but one of the multidimensional actors under his or her overall direction. In a UN Peace Mission the others could include humanitarian agencies, human rights monitors, election advisors and monitors, UN civilian police observers, etc. The point is that the military role should be understood in the overall conflict management context.

In the case of the Lesotho intervention, it would thus have been desirable if there had been a clearly identifiable SADC persona who was the overall political head of the mission, for example, a special representative or special envoy of the SADC chairman. The force commander would have been seen to report to the special representative, and the special representative to the SADC chairman. This would have communicated, both at the low (visual perception) and higher policy levels, that this was a SADC mission, and that SADC had a serious and professional approach to the way in which it managed interventions or peace missions under its auspices.

Secrecy and surprise

The decision-makers and planners of Operation Boleas thought that they needed to maintain the element of surprise. They thought the best way to handle any potential resistance from the opposition and the mutinous elements within the Lesotho Defence Force was with a classical military-style surprise operation.

With international operations of this nature, however, one needs transparency and public awareness, not surprise. If the mandating procedure was in the public domain, for example, a well publicised SADC Organ meeting at foreign minister level, and if the objectives and purpose of the mission was clearly communicated to all concerned prior to any intervention, for example, in the form of a UN Security Council-type resolution, what would have been the likely impact on the opposition and mutineers in Lesotho? On the one

hand they could have seized the opportunity to carry out a military coup prior to the announced intervention taking place. On the other they could have been convinced that the LCD's stranglehold on power would have been neutralised by such a neutral force. Either way, it is likely that the level of resistance in Lesotho would have been less, or at least of a very different nature, if everybody knew what to expect, and if the mandate and objectives of the SADC Task Force was clearly communicated before the operation. At the least, one would have known, prior to crossing the border, how the various parties were posturing themselves in response to the SADC decision to intervene.

Some would argue that these kind of procedural requirements are impractical in light of the need to sometimes act with urgency. Zimbabwe argued that Kinshasa would have fallen to the rebels within 12 hours if they had not intervened in the DRC when they did. Similarly, South Africa argues that there would have been a military coup in Lesotho if they had not intervened when they did.

The counter argument is that when the deployment of an international force is at stake, it is much more important to do it in a transparent, public manner; following a pre-approved decision making procedure; with a clear mandate; and with the necessary agreements and authority in place, so as to ensure that whatever action flows from such a decision, it is blessed with the legitimacy that comes with a transparent international process. One of the criticisms levelled at the UN, for instance, is that the period it takes from the time of the authorisation to the time of deployment in the field is too long. The UN has tried to improve its reaction time by establishing a standby system and a rapid deployable headquarters. In other words they are improving their planning systems and reaction procedures, but no one would even think of tampering with the requirement for a public UN Security Council mandate prior to deployment, or to deploy a UN force made up of troops from only one contributing country.

Minimum use of force

Another element of contention was the minimum use of force. The minimum use of force is a general premise for peacekeeping and peace enforcement missions. Although the Lesotho intervention was neither of these, the minimum use of force was a stated objective of the SADC Task Force during

the Lesotho intervention. With that in mind, one can ask why the SADC Task Force thought it so important to capture the Makonyane Military Base, and other strategic positions, when a cordon and containment type operation would probably have been as effective. If the objective was to neutralise the mutineers at the Makonyane Military Base, this could have been achieved with a cordon and containment action that prevented the mutineers from interfering with the restoration of law and order in the rest of the country. From a minimum use of force perspective, this could possibly have been achieved by containing them in their positions, and negotiating a stand-down and disarmament once a reasonable measure of stability has been achieved elsewhere. A better understanding of how the principle of minimum use of force should be applied may have contributed to less loss of life.

What if?

It is always easier to analyse acts with the luxury of hindsight, but to be objective in our attempt to learn from the Lesotho intervention, we also have to ask ourselves a number of ‘what if’ questions.

The main critical aspects of the mission relate to the high number of casualties and the looting and arson spree that characterised the early hours of the intervention. One should thus ask what if there were no casualties and no looting and burning, would the Lesotho intervention not have been hailed as an excellent example of a preventive intervention that managed to pre-empt a military coup? This would most probably have been the case.

All the issues raised above, i.e. the lack of a transparent public authorisation process, the lack of a clear mandate, problems with regard to civilian leadership and the identity of the SADC Task Force, would probably have mattered little if the intervention was successfully carried out without any loss of life and property. In that regard, the political will and commitment shown by South Africa, Botswana and SADC to launch a preventative mission should be recognised and acknowledged.

Similarly, we should ask ourselves what would have happened if SADC had decided not to intervene. Could SADC have achieved a similar result – i.e. prevented a military coup, restored law and order and created the environment for a political agreement – by threatening to impose sanctions on Lesotho if a military coup occurred, or by closing the border, or by undertaking joint military exercises on the border prior to an actual intervention,

etc? Such actions were effective in the past, and some would argue that these peaceful options should have been exercised first before a decision to intervene was taken.¹⁰

On the other hand we can ask ourselves what would have happened if the SADC Task Force had not intervened before the mutinous soldiers declared a military coup in Lesotho. What would have been the implications for the people of Lesotho, and for political stability and democracy in Lesotho? What would the effect have been on the image of SADC and the African Renaissance in general if a military coup was allowed to take place in Lesotho? What impact would have been felt in terms of investor confidence, in the general economy and tourist fall out in southern Africa?

Or, if we contemplate yet another scenario, what would have happened if the political parties in Lesotho managed to achieve a political breakthrough on 22 September? King Letsie III is said to have intimated this possibility to Minister Mufamadi, late on the evening of 21 September, i.e. the evening before the intervention.

If anything, all of these possibilities indicate that each situation has to be evaluated in its own context, and that the lessons we infer from such analysis need to be understood in that light. Very often what is true in one situation may not be relevant in another.

That does not mean that we can not make some universally applicable observations. Fifty years of UN peacekeeping experience, further supported by the experiences of regional bodies such as NATO in the former Yugoslavia and ECOMOG in Liberia, and now once again by the SADC intervention in Lesotho, have provided us with a clear set of universal requirements for any multinational operation other than war, namely the need for:

- a transparent public authorisation process by a recognised international body;
- supported by a pre-approved set of policies and modalities, including clear entry and exit criteria;
- a clear mandate for the missions; including:
 - (i) the objective of the mission;
 - (ii) the end state; and
 - (iii) the use of force;
- neutrality and impartiality;
- civilian leadership and a holistic, multidimensional approach; and
- a truly multinational force under international command.

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Lessons learned are useless, however, if not applied to improve our ability to carry out peace missions in future. The second part of this paper is therefore devoted to transforming the lessons learned from the Lesotho intervention into recommendations for improving SADC capacity to undertake peace missions in future.

SADC Organ

The second part of this paper looks at the implications of the lessons we learned from the Lesotho operation for SADC, and especially the SADC Organ on Politics, Defence and Security. This section will analyse the implications for SADC by focusing on the need for a clear and transparent policy on operations; on early warning and conflict analysis; preventive diplomacy; civilian missions; peace operations; and on SADC's relations with the UN and the OAU.

The SADC Organ on Politics, Defence and Security

The Southern African Development Community (SADC) originated from the Southern African Development Coordination Conference (SADCC) which was established in 1980. Conscious of the poor record of regional economic integration schemes in Africa and elsewhere in developing countries, the founders first opted for a loose organisation to promote cooperation and coordination rather than formal integration. The binding factor was the desire to work together to strengthen the member states' independence from apartheid South Africa.

In 1992, with the liberation of South Africa clearly only years away, and following 12 years of cooperation in this loose association, the need was identified for a more formal mechanism. The heads of state and government signed the Declaration and Treaty of the SADC in Windhoek in 1992. With the change of name the emphasis shifted from development coordination to development integration.

South Africa joined SADC in 1994, and Mauritius joined SADC in 1995. The DRC and the Seychelles joined SADC in 1997, bringing the current membership of SADC to 14: the others being Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Tanzania, Zambia and Zimbabwe.

Although SADC saw itself as a development community, it has also

naturally developed into a sub-regional political unit.¹¹ During the apartheid years, the countries in southern Africa, together with Nigeria, formed the Association of Front-Line States. Although it was not established with sub-regional union in mind, it became the de facto political sub-regional organisation, even after SADC was established in 1992. After the 1994 elections, South Africa was awarded observer status in the association of Front-Line States. With apartheid defeated, the *raison d'être* of the Front-Line States expired, and the need for a new political sub-regional organisation became apparent. Various models were debated, and at one stage it was prematurely announced that an Association of Southern African States (ASAS) would be formed.

Following the resolutions and recommendations of the SADC Workshop on Democracy, Peace and Security, which was held in Windhoek from 11 to 16 July 1994, the Association of Front-Line States announced on 30 July 1994 that it had decided to dissolve and 'become the political and security wing of SADC'. On 18 January 1996, the SADC ministers of foreign affairs, defence and security, met in Gaborone and agreed to recommend the creation of a SADC Organ for Politics, Defence and Security. The SADC Heads of State and Government approved the Organ on 28 June the same year. The official communiqué of the ministerial meeting listed the objectives of the Organ as: security and defence cooperation through conflict prevention, management and resolution; the mediation of disputes and conflicts; preventive diplomacy and mechanisms, with punitive measures as a last resort; sustainable peace and security through peacemaking and peacekeeping; development of a collective security capacity and a Mutual Defence Pact, and regional peacekeeping capacity; coordination of participation of members in international and regional peacekeeping operations; and addressing extra-regional conflicts which impact on peace and security in Southern Africa.

It is clear from these objectives that the focus of the SADC Organ would be on conflict management, as opposed to political union. This is probably because SADC proper, especially at its heads of state and government level, had already assumed the role of political union, while at the operational level its Treaty did not provide for an appropriate vehicle which could assume responsibility for cooperation on conflict management, diplomatic, defence and security issues.

According to the proposed institutional framework, the SADC Organ on Politics, Defence and Security will operate at Summit level, as well as at ministerial and technical levels, but without a permanent Secretariat. It is to

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operate in a flexible and informal manner, with the Chairperson rotating on an annual basis. The ministry of foreign affairs or the chairperson will also act as the Secretariat of the Organ for that year.

Apart from the communiqué, no additional founding documents or protocols have yet been developed. The modalities of its operation and the exact sub-structures of the Organ are the subject of much debate within the SADC countries at the moment, but it is broadly foreseen that the Organ will have sub-committees on Foreign Policy, Conflict Management (which will include an Early Warning mechanism), Defence Cooperation, Police Cooperation, Intelligence, and Disaster Management. The SADC Member States have already been cooperating in many of these fields, for instance:

- in preventive diplomacy, conflict prevention and peacemaking in the case of Lesotho in 1996 and again in 1998, the DRC in 1996-98, and a number of other conflicts;
- on defence and peacekeeping matters through the development of joint policies, training and joint field exercises such as Exercise Blue Hungwe in 1997 and Exercise Blue Crane which is scheduled for 1999;
- on crime and police matters, through coordination of policy and the establishment of an information sharing system that has resulted in various joint operations to recover stolen vehicles, counter stock theft, and anti-drug campaigns; and
- in disaster management, for example, when Zimbabwe and South Africa provided helicopters and humanitarian assistance to assist flood victims in Mozambique.

What is needed, however, is for this cooperation to be institutionalised through formal structures and mechanisms under the overall coordination of the SADC Organ. One of the most structured areas of cooperation is defence, where the ISDSC was operating before the establishment of the Organ. The committee operates at the level of chiefs of staff and has sub-committees on, among others, training, personnel, operations, intelligence and logistics. The ISDSC also meets at Ministerial level on an annual basis, or when the situation demands, for instance when the DRC intervention was approved. The SADC police chiefs have a similar organisation, the Southern African Regional Chiefs of Police (SARPCO), but neither have been fully incorporated into the SADC Organ. Instead SARPCO informs the ISDSC of its decisions and activities, and the ISDSC, in a sense, operates in place of the SADC Organ for the time being.

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A number of important issues remain unresolved, however, and will have to be addressed over the coming months and years. Of these, two seem to be the most pertinent. The first is the tension between SADC proper and the SADC Organ. Both operate at Summit level, seemingly independent from each other. Some argue that the SADC Organ should become a separate political union, similar to the European Union, including perhaps a regional parliament, etc. Others argue that SADC is the natural home for the Organ, and that the SADC proper (Treaty) should be expanded to include all relevant issues, similar to the way in which there is one OAU incorporating political and economic issues.

The second issue, somewhat related to the first, is that of the Secretariat. Some feel it is untenable for the Organ to operate without an institutional memory and illogical for functions such as an Early Warning system to be transferred from one Ministry of Foreign Affairs to the next on an annual basis. These issues, and many others, would need to be resolved over the coming years before the Organ can become a fully operational body.

SADC Organ impasse

The primary reason why the 1996 decision to establish a SADC Organ, with the resulting communiqué, has not resulted in the SADC Organ becoming operational is the impasse that developed between South African and Zimbabwe over the chairpersonship of the SADC Organ.

The impasse developed over different, some would say competing, interpretations of the institutional framework in which the SADC Organ should operate. The communiqué, in para 4.3, addresses the institutional framework of the SADC Organ. It states that the SADC Organ ‘... shall operate at the Summit level, and shall function independently of other SADC structures’. It goes on to say that the Organ will also function at the ministerial and technical levels and that the chairpersonship will rotate annually on a troika basis. The Summit then elected President Mugabe as the first Chairman of the Organ.

When South Africa was elected as chair of SADC proper, it soon experienced discomfort with the fact that SADC had, in fact, two chairpersons, one for SADC proper and one for the SADC Organ. This was compounded by the fact that SADC proper had a history of discussing political issues at Summit level and that there was thus ample ground for duplication by SADC proper and the SADC Organ.

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South Africa argued that this dual chairpersonship of SADC was an impossible situation and that it was never the intention that the SADC Organ would exist separate from SADC proper. It argued that the reference to the SADC Organ functioning independently of other structures refers to the system in SADC proper where various countries have been allocated responsibility for the different sectors. The argument is that the Organ was not seen as a sector, and that in that sense it would function differently from the rest of SADC. In the South African interpretation, the SADC Organ should thus operate outside the rest of SADC system, but the chairman of the SADC Organ should report to the SADC Summit and SADC chairman. In that sense it acts like a sub-committee of the Summit, and as such, it has to report back to Summit.

Zimbabwe argues that the 1996 Summit established the Organ as a separate but parallel body to SADC proper. It argues that SADC proper is largely a donor-funded organisation, and that security issues cannot be entrusted to a body which depends on foreign funding. It also argues that all members of SADC proper are also members of the SADC Organ, and that it would thus be ridiculous for the SADC Organ Summit to report to the SADC proper Summit when both are made up of the same countries and persons.

It is unfortunate that the positions are put across by the two countries at a time when both are holding the respective SADC proper and SADC Organ chairs. In time the real issues around the modalities of the SADC Organ have been obscured by what has become a power struggle between South Africa and Zimbabwe, and some would go so far as to say, a personality clash between President Mandela and President Mugabe.

The fact is, however, that the impasse caused by these differences has done untold damage to the cohesion in the region. Although there has been a steady build up of pressure over the past years, normal diplomatic practice managed to keep the fall-out within reasonable levels. The Zimbabwean-led initiative that resulted in Zimbabwe, Angola and Namibia intervening in the DRC, on behalf of SADC, finally exposed the growing rift.

The result is that the SADC region, which until these recent events was still considered Africa's most stable and promising region, now faces the most serious crisis of its short existence.¹² Whatever the reasons for the impasse, the situation is untenable and needs to be addressed urgently. The impasse around the dual chairpersonship of SADC proper and the SADC Organ needs to be resolved. Only once that is done can the SADC Organ be fully operational. The first step would be the development of a comprehensive policy

framework, in the form of a protocol, for the SADC Organ.¹³ Once that has been achieved, the Organ can be operationalised and the necessary structures and support mechanisms can be put in place.

Policy on operations

Once the impasse around the dual chairpersonship has been resolved, the focus will return to the operationalisation of the SADC Organ. Policy needs to be developed that addresses the mechanisms, procedures and structures of the Organ, and that spells out the basic approach of the SADC Organ with regard to the kind of operations it will be willing to undertake.

It would appear that the UN and most other regional and sub-regional organisations have developed two types of interventionist responses, namely a neutral response and a prejudiced response. A prejudiced response is a response where, for example, the UN has identified an aggressor in a conflict. The Iraqi invasion of Kuwait in 1990 is a classical example. The UN Security Council identified Iraq as the aggressor because it invaded another sovereign country in breach of international law and practice. In UN Charter speak, Iraq breached the peace, and as a result the UN Security Council instituted an enforcement action against Iraq, forcing it to comply with the international will. The UN sanctions imposed against South Africa, Libya, and Sudan are also examples of such international enforcement action.

The SADC Organ would need to establish clear policy with regard to such prejudiced responses. As operations undertaken in the prejudiced realm normally involve war-like action against a specific country or force, SADC would need to establish detailed policies and protocols with regard to how it will authorise such operations. At what level, for example, the Summit level, will such actions be authorised, under what circumstances would such action be justified, how will such missions be financed, and will SADC undertake such missions on its own authority or will it only undertake enforcement action once authorised to do so by the UN Security Council, as required in Chapter VIII of the UN Charter?

In the African context, one of the areas in which the prejudiced response has been applied is in cases where there has been an unconstitutional change of government. Examples include the July 1996 to 1998 sanctions against the Buyoya government in Burundi and the June 1997 OAU decision that authorised the Economic Community for West African States (ECOWAS) to restore civilian rule in Sierra Leone.

Would SADC intervene if unconstitutional changes of government occur, or are imminent? It would appear that a general consensus has developed in Africa that military coups will no longer be tolerated. This is a welcome and recommendable position. Recent experiences, especially those in Lesotho and the DRC, have given us an indication that we have to develop more sophisticated ways of applying this principle.¹⁴ Some would argue that, in both the Lesotho and DRC cases, the unconstitutional change of government argument has been used to defend governments in power, as if being in power is *de facto* legitimacy, regardless of the constitutionality or legitimacy of those governments. President Kabila came to power through victory in a civil-war, and to date, no constitution has been adopted in the DRC, nor is any democratic debate tolerated. Zimbabwe and others have used the ‘unconstitutional change of government’ argument to argue that they had to intervene in the DRC on the side of President Kabila to avoid an unconstitutional change of government in the DRC. The South African government used the same argument to motivate the intervention in Lesotho. While in this case, the LCD government was an elected government in a democratic constitutional state, the conflict centred around the claim by the opposition parties that the LCD government came into power through fraudulent elections. The conflict in Lesotho challenged the very legitimacy of the government in power. The Lesotho example has shown that it is, at least theoretically, possible that a democratically elected government may lose its legitimacy while in power. There are many scenarios through which this can happen, for instance: if it is subsequently proven that the elections were fraudulent, or if the government is exposed to have been systematically guilty of corruption, or if the government ignores rule of law, etc. If so, it is no longer good enough to have a blanket prejudiced response to all unconstitutional changes of government, where SADC automatically rush in to defend the government in power. The SADC Organ would need to develop a more sophisticated response to these challenges – one based on improved early warning and proper conflict analysis. In cases where the legitimacy of the government of the day is questionable, it may be more appropriate for SADC to apply preventive diplomacy and other peaceful means to encourage the parties to find a peaceful and constitutional solution to their dispute. If that fails, and if some form of intervention proves necessary, SADC may be well placed to rather use a neutral third-party peace missions approach (as opposed to a prejudiced approach) where it intervenes to restore law and order and to create an environment in which all the parties, without prejudice or favour to the government of the

day, can find a peaceful political solution to their dispute.

When it is not merely a case of restoring a situation to the way it was prior to the conflict or act of aggression, i.e. to restore the peace after an invasion, coup or other illegitimate act, but rather a case of making peace among a number of conflicting parties, the international community has developed the neutral response. The neutral response implies an impartial third party role for the international community where it will facilitate a peace process among the conflicting parties. This can include a wide range of actions ranging from humanitarian assistance to people in need to high level negotiation among the leaders of the various sections. It can also include peacekeeping and even peace enforcement action. Where such actions result in the UN or another body sending troops or civilians to the conflict area with a specific mandate and within a specific structure, such actions are broadly referred to as peace missions. It is a new umbrella term that attempts to encompass the holistic multidisciplinary approach we find in modern peace operations. These include humanitarian action, human rights monitoring, election monitoring, military peacekeeping and political attempts to find a negotiated solution under one coordinated structure.

SADC would need to develop policy in this ambit on a number of issues, for instance: will SADC coordinate its participation in peacekeeping operations, and if so, at what level; will these countries cooperate at the level of training, policy development, etc.; will they coordinate their participation in UN and/or OAU peace missions, for instance through the development of a SADC Brigade for this purpose; and/or will SADC undertake peacekeeping operations under its own auspices; and if it is not a UN operation, how will SADC finance such operations?

The same range of issues needs to be addressed when confronting the question whether SADC will coordinate its participation in peace enforcement operations. The latter is more robust, requires the willingness and capability to use more force, and is thus more risky. Will SADC undertake peace enforcement operations under its own auspices; or will SADC only participate in peace enforcement operations as part of a larger UN or OAU force; if it is not a UN operation, how will SADC finance such peace enforcement operations?

There is also a wide range of other smaller, more specialised mission options, and SADC needs to decide which of these it wishes to pursue, and then cultivate expertise in these areas, for instance:

- military observer missions;

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- civilian police monitoring missions;
- civilian peace observer missions;
- specialised civilian missions, such as:
 - (i) judicial observers (monitor a trial or judicial process such as the Truth and Reconciliation Commission in South Africa);
 - (ii) media observers (monitor the media in a specific conflict); and
 - (iii) sanctions monitors (monitor the effect of sanctions and whether it has a negative impact on communities and populations not targeted);
- civilian weapons monitors (monitor specialised weapons such as biological or chemical weapons, for example, UNSCOM);
- human rights monitoring missions; and
- election monitoring missions.

If SADC decides beforehand which types of operations it is willing to undertake and which not, it will eliminate unnecessary capacity building and training in those areas not selected. Such a policy approach will have the effect of focusing SADC's preparations, training, capacity building and institution building around those type of operations SADC can realistically undertake. A decision to focus on certain types of operations only needs to be taken on the basis of the human and material resources at its disposal, available funding options and the political will of the member states.

SADC may decide that it only has the funding and capacity to undertake limited peacekeeping and military and civilian observer missions. Should the need arise for large scale peacekeeping or peace enforcement missions, SADC can turn to the UN, the OAU or, in the latter case, multinational coalitions of the willing. Such a decision by SADC would not prevent any individual SADC member state who has the capacity and financial capability, from cooperating with the UN, OAU or others who may have decided that they can undertake peace enforcement operations.

It is not the type of missions SADC chooses that is so important. The human and material capacity, political will and available funding would determine which operations SADC can undertake. What is important from an institutional and policy perspective is that SADC understands the need to develop a clear pre-determined policy on these issues.¹⁵ With the necessary structures and mechanisms in place, and with a clear pre-determined policy on the kind of operations SADC wish to undertake, the chances of SADC encountering the kind of problems highlighted in the first part of this paper (Lesotho and the DRC) will be highly reduced.

Another policy aspect that needs to be addressed is where SADC would deploy such peace missions, i.e. only in SADC or also outside of SADC? If also outside, would that only be in cases where the situation outside SADC has a direct impact on SADC, for example, a conflict in a country bordering on a SADC member state(s)? Would SADC consider deploying missions under its auspices further afield, for example, elsewhere in Africa or somewhere else in the world? Or would such assistance only be considered as part of a larger UN or OAU Mission, i.e. not under SADC auspices? The OAU has requested each sub-region to develop a brigade level standby capacity for potential use by the OAU or the UN. SADC itself is considering such a brigade strength capacity along the lines of the SHIRBRIG model developed by Denmark. Where, and under what circumstances, such SADC missions would be deployed is thus another important aspect of the policy development around peace missions that needs to be developed.

Once there is clarity over the kind of missions SADC wishes to undertake, and those that it may refer or authorise others to undertake, policy can be developed that addresses how decisions authorising the various types of missions should be taken. These policies need to address the level at which decisions authorising a SADC mission need to be taken, for example, at foreign ministers level for military and civilian observer missions, and at the heads of state level for peacekeeping, peace enforcement and enforcement missions. Such policies also need to address the form in which such decisions need to be taken, for example, in the form of a UN Security Council type resolution that clearly spells out the objective, mandate, level of force that may be applied and desired end state of the mission being authorised.

A policy development process of this nature can include the development of standard requirements for the Status of Forces Agreements (SOFA) that SADC would have to enter into with the troop contributing countries on the one hand, and the receiving country on the other. As was pointed out earlier, in the Lesotho case, South Africa was forced to enter into a SOFA directly with Lesotho as no precedent existed for SADC to sign a SOFA with a member state and/or other countries. It was also unclear who would have signed such a SOFA on behalf of SADC, as the SADC Organ has no secretariat while the SADC proper Secretariat has no authority to sign such a SOFA on behalf of the sub-regional organisation.

Once these various policies are in place SADC can give more attention to joint training to achieve the necessary readiness for such operations. At this stage the joint training already underway, both in terms of the exchange

of officers at various peacekeeping related courses, the joint training done by NGOs and other educational institutions, and the field training exercises, far outstrip the joint policy development, which has ground to a halt because of the impasse around the dual chairpersonship. Once the policies are in place, however, joint training can be planned much more effectively and economically. It can be focused on the specific needs of SADC based on the kind of missions it wants to be able to undertake as well as the readiness levels it wishes to maintain. If it is decided to develop a high-readiness brigade along the SHIRBRIG model, for instance, then SADC and its member states will have a specific objective for which ongoing joint training can be done. This may include a multi-year rotatory joint training cycle for the SADC Brigade that may include annual command post exercises and a brigade level field training exercise every three to four years.

It is unthinkable that SADC would be able to develop and maintain the various policy directives discussed above, develop the human and material resources, cooperate with others, and undertake joint training initiatives without a standing secretariat. This need not be a large bureaucracy, but one will need a central organisational reference point and neutral planning cell which can serve as an institutional memory and clearing house for all joint undertakings.

Early warning and conflict analysis

Before SADC can take an informed decision to intervene in a certain conflict, its decision making body would have had to consider a wide range of information on the conflict in which it wishes to intervening. This pre-supposes once more that the SADC Organ has been fully operationalised, and that this included the establishment of a section or cell responsible for collecting early warning information and conflict analysis.

Without its own ability to collect and analyse information on the conflict it is considering becoming involved in, SADC would be dependent on information supplied by the media, by other similar institutions or information from member states. Any or all of these can be flawed and subjective, and it is thus essential that SADC develop its own capacity in this regard. Once more, the size and scope of such an early warning and conflict analysis capacity would be determined by the policy decisions on the types of missions SADC is willing to deploy and the theatre of operations in which SADC is willing to engage.

Preventive diplomacy

Over the years a lot of activity in the preventive diplomacy sphere has been undertaken under or on behalf of SADC. Some of these, such as the 1996 Lesotho initiative, the 1997 Zaire Naval diplomacy and the SADC initiative to keep the Mozambique peace process on track, were successful. These initiatives were all carried out by SADC member states on behalf of SADC. Some were done in the capacity as the SADC chair, SADC vice-chair, the troika or the chair of the SADC Organ. Others were tasked to do so, for example, in the Lesotho case South Africa, Zimbabwe and Botswana were tasked by the SADC Summit to deal with the conflict.

SADC has decided that its main focus would be on the prevention of, or failing that, the peaceful (diplomatic) resolution of conflict. It would make a big difference, however, if SADC could develop a small but effective Conflict Management Unit which is tasked with the collecting and analysis of early warning information, and with the development of preventive diplomatic initiatives on the basis of that analysis. Such a unit would serve as the institutional memory of the sub-regional organisation's preventive diplomacy efforts, and will support any initiatives undertaken on behalf of SADC with technical and other expertise.

Developing such a unit would not supplant the initiatives undertaken by individual member states, as can be seen in other cases where regional organisations have developed such units, for example, the OAU and the Organisation for Security and Cooperation in Europe (OSCE), but rather serve to improve the overall professional conduct of the sub-regional response. Such units are also used to manage preventive diplomacy missions, such as Special Envoys, fact-finding missions and small civilian observer or specialised missions in the field. They coordinate the training, preparation and staffing of such missions, and manage, support and facilitate their communication with the SADC decision-makers, once deployed.

Establishing such a Conflict Management Unit necessitates, once more, the development of a coherent set of policies and procedures that clarify the role and function of the Unit, its staffing, and relationship with member states. Such policies will also address how a decision is taken to authorise a member state(s) to undertake certain initiatives on behalf of SADC. This is necessary to avoid any country claiming to be acting on behalf of SADC just because it is a member of SADC. When a member state has been tasked to undertake certain initiatives on behalf of SADC, it should be clear to all that

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such a country has been tasked by SADC with a specific mandate. Once more, this requires a pre-determined decision making process including policy on the level of authority required and the way in which the decision is taken, say, in the form of a resolution. The same would apply when Special Envoys or Special Representatives are appointed on behalf of SADC. As far as is possible, the 'mission' approach should be adopted, which should ensure that all the SADC initiatives are undertaken as part of one holistic mission. This is especially crucial when SADC has deployed military or civilian monitors or a peacekeeping operation. Preventive diplomacy initiatives undertaken under such circumstances need to be closely coordinated with the existing mission, and should include the political head of the mission. The latter will not be possible if SADC member states do not invest in the development of its human resources, especially in the preventive diplomacy and conflict management field.

Relations with the UN and OAU

The UN, OAU and SADC are all multilateral organisations in their own right, and none are superior or inferior to the other. A country like Lesotho is a member of the UN, of SADC and of the OAU, each in its own right. In a sense they thus exist parallel to each other. At the same time, however, there is an informal hierarchy that has developed which places SADC as a sub-regional organisation under the OAU and the OAU as a regional organisation under the UN. This does not mean that the one reports to the other, or that the 'lower' organisation requires the permission of the 'higher' organisation.¹⁶ It is a reflection of the geographic focus of each organisation, and the fact that the geographic area that SADC considers its concern falls wholly in that which the OAU concerns itself with. In fact, one often finds the opposite, namely that the UN would not think of undertaking a certain initiative in a SADC country or in the region, without first consulting SADC.

Because of this informal hierarchy, some would argue that should a conflict occur in or between two SADC countries, then SADC should be the first to respond. If they fail to resolve the conflict, they should call on the OAU to assist, and so on until the UN is called on in the last instance. The reality is very different. While SADC has the capacity, political will and opportunity to address certain conflicts, for example, the Lesotho situation which is the focus of this paper, others such as the Angolan conflict have

been the primary focus of the UN. Which organisation will intervene is determined not so much by this informal hierarchy as by the circumstances such as the history of the conflict and the conflicting parties, the intensity of the conflict, the political will of the members of the various organisations and the latter's proximity to the conflict. Some conflicts can be handled by neighbours while others require a third party far removed from the conflict area. Almost all modern conflicts in Africa include large scale humanitarian disasters and this necessitates the intervention of UN humanitarian agencies. This makes the UN a player in almost all of these conflicts in any way. The UN often chooses, however, to limit its involvement to the humanitarian field, or to work closely with the OAU or the relevant sub-regional organisation on the political and security field, for example, in Liberia and Sierra Leone in 1998/99.

The challenge for SADC is to see the relationship with the UN, OAU and other African sub-regional organisations such as ECOWAS, as a holistic partnership in which all contribute in their own right. The conflict in the DRC is a good example of a conflict situation too complex for any of these organisations to handle on its own. Each have a contribution to make and the conflict will only be resolved if all of these organisations develop one common initiative.

From an organisational point of view this means that SADC needs to put in place a range of policies and procedures that will address when and how SADC interacts with the UN, the OAU and others. It is unnecessary and shortsighted, for instance, for all of these organisations to each develop its own early warning systems. We need to develop an integrated early warning system that links the various levels and organisations and that provides for joint analysis and information sharing. If there is an informal working arrangement that the OAU would focus its attention on the conflict in the Comoros, the UN and SADC should be able to share its information on the conflict in a meaningful and timely way with the OAU. This requires a certain level of joint systems development so that there is inter-operability between the various systems at the various levels.

Cooperation should, of course, not be limited to early warning and conflict analysis, but should be developed to include cooperation in the field of preventive diplomacy – and ultimately when a decision is taken to deploy civilian or military observers – and peacekeeping. The latter provides a good example; the OAU has decided that it will follow UN peacekeeping doctrine. All African troops trained for UN peacekeeping and placed on the UN standby roster are thus theoretically also available for OAU and SADC

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peacekeeping. The reverse is true as well, if SADC decides to establish a joint SADC brigade for peacekeeping purposes, such a brigade may also be available to the OAU and the UN, depending on the situation and on SADC's policies in this regard.

The relationship between SADC, the OAU, the UN and others thus requires constant communication and coordination to ensure a holistic approach to conflict management. SADC needs to establish the policies, procedures and mechanisms that will make such coordination a daily reality.

Future agenda for the SADC Organ

On the basis of some of the lessons learned from the Lesotho intervention and that which logically flows from it, and taking into account the implications for SADC as addressed above, one can perhaps chart a short to medium term agenda for the SADC Organ along the following lines:

Most of the problems experienced with the SADC interventions in Lesotho and the DRC can be traced back to the vacuum created by the impasse around the dual chairpersonship of the SADC Organ and SADC. In the vacuum created by the absence of a joint decision making authority, and the policies and procedures such an authority would have jointly developed, member states undertook interventions in the DRC and Lesotho, and claimed that they were undertaken under the auspices of SADC. Both interventions proved highly controversial; resulted in a high number of casualties; were undertaken on behalf of a party to the conflict, i.e. not as neutral third-party peacemakers; and both brought SADC into disrepute in Africa and the international community. The DRC intervention in particular did more to damage the internal cohesion in SADC than anything else in its short history. The first step, and one that has to precede the others, is to make the SADC Organ operational. The political will required to achieve reconciliation between SADC member states, especially South Africa and Zimbabwe, may appear elusive in the immediate future, but without it, SADC itself is seriously under threat. The impasse around the dual chairpersonship of SADC has to be resolved. This should be the highest order of business for all SADC countries because without it, SADC has no unified, coherent and systematic conflict management mechanism. It would appear that tensions among SADC member states are increasing in relation to the time it is taking to resolve the dispute. This is a matter of urgency that threatens the very future cohesion of the

sub-region, and SADC as a sub-regional organisation. Every member state of SADC should place the resolution of the impasse around the Organ at the top of its priority list. Common ground needs to be sought and evolved, and like minded states to develop the necessary momentum and political will to resolve this issue as soon as possible.

Once the macro issues of the chairpersonship of the SADC Organ, and the relationship of the Organ to the rest of SADC proper have been resolved, the next step would be to adopt a protocol that governs the procedures of the Organ and provides for its structure, institutions, sub-committees and secretariat.

After a protocol of this nature has been adopted, the Organ and its sub-committees would need to develop a broad range of policies and procedures. These would fall in two broad categories: procedures that relate to the self-organisation of the Organ and policies that address the Organ's approach on the matters it is responsible for.

For example, the protocol should address the issue of at what level (heads of state or ministerial) a decision authorising an operation under SADC auspices will be taken. The Organ should adopt procedures that indicate what form such a decision will take, for example, a UN Security Council-type resolution. The Organ's policies on peace operations may address issues such as the type of missions SADC is willing to undertake.

If the SADC Organ is going to develop these policies and procedures, and maintain and implement them, it will require the capacity to finance and manage a small secretariat. Such a secretariat would need the human and material resources to service and support the meetings of the SADC Organ and its sub-committees; gather information on conflict situations, analyse this information and develop this analysis into action plans; and plan, manage and support preventive diplomacy initiatives, military or civilian observer missions, and peacekeeping or peace enforcement operations. This would necessarily imply an investment in the training and development of staff.

This agenda for the short to medium term is perhaps daunting in that it serves to remind us that even if we manage to break the impasse around the SADC Organ in the near future, to get the Organ fully operational may take a number of years. The OAU's Central Organ and its secretariat and the OAU's Conflict Management Division are a good case in point. The OAU's Mechanism for the Prevention, Management and Resolution of Conflict was established in 1993, and in 1999 the OAU is still busy with the ongoing development of the Conflict Management Centre. While the OAU's Centre is

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larger in scope and ambition than that required and foreseen for SADC, it is also a good example in that the OAU's Central Organ and the Conflict Management Division has been functional from very early on. The SADC Organ and its secretariat could quickly be made functional and operational even if it takes a number of years to put procedures, policies and expertise in place.

Conclusion

The SADC intervention in Lesotho has taught us a number of important lessons. Firstly, and most importantly, it has shown that an operation of this nature can be successful, despite a disastrous start. The very many calls for the immediate withdrawal of the SADC Force were premature. Despite all the strategic, operational and tactical mistakes that were made in the authorisation, conception, planning and execution of the first 48 hours of the operation, the operation eventually succeeded in that it prevented an unconstitutional change of government, disarmed the mutinous soldiers, restored overall law and order, and in so doing, created a stable environment in which the political parties in Lesotho could resume their dialogue on how to resolve the political crisis in Lesotho.

We have also learned valuable lessons on how important it is to have predetermined, clear and transparent authorisation procedures in place, so that decisions authorising multinational operations are taken in the public domain, at the appropriate level and in a format which can translate into a practical and executable mandate. We have seen how, by following such a predetermined, clear and transparent authorisation process one infers credibility and legitimacy on an international mission of this nature, while failure to do so raises all kinds of questions about intent, national interest and hidden motives. We have seen how important it is for SADC or other multinational missions to be truly multinational, and how the perception that it is not, can endanger the overall success of the mission.

Other factors that have been highlighted are the need for such missions to be civilian lead, that secrecy and surprise are not necessarily compatible with international peace missions, that the minimum use of force is a crucial element for the overall success of a mission of this nature.

Lastly, we have seen the crucial difference between peace missions, which are neutral third party actions, and military interventions or enforcement

actions that take place in support of one of the parties to a conflict.

The ‘lessons learned’ as discussed above are not exhaustive. They have been approached from, and are largely limited to, a policy and institutional perspective. In summary, the lessons learned from SADC’s intervention in Lesotho identified in this paper, revolve around the lack of a coherent policy with regard to:

- What decision making process needs to be followed in order to approve a mission under SADC auspices, for example, an ISDSC meeting of Defence Ministers (which was the level at which the DRC Mission was approved) or a SADC Organ on Politics, Defence and Security at the Foreign Minister level, or SADC Summit level?
- How should that decision be taken, i.e. should the appropriate body adopt a UN Security Council-type resolution that can become the mandate for the mission, and should that decision be made public?
- What kind of missions should SADC undertake? What kind of missions does SADC have the capacity to undertake, i.e. peacekeeping, military observers, civilian observers, human rights monitoring missions, peace enforcement, enforcement, military interventions, etc?
- If SADC is going to undertake enforcement operations, as was the case most recently in Lesotho and the DRC, is it going to seek prior authorisation from the UN Security Council as required under Chapter VIII of the UN Charter? What is SADC’s relationship with the OAU in this regard and should it at least inform the OAU of its intentions prior to undertaking such an intervention?
- How will SADC missions be financed? If donor money will be accepted, what are the principles that should govern the relationship between the donors and the SADC mission to ensure that only SADC will determine the mandate, objectives, duration, exit strategy and overall approach of the mission?

The second part of the paper looked at the implications of these ‘lessons learned’ for SADC. The current impasse around the dual chairpersonship of the SADC Organ and SADC proper was identified as the major stumbling block in the further operationalisation of the SADC Organ, and indeed as a major threat to the cohesion in the sub-region and the continued existence of SADC itself. As such, breaking the impasse around the chairpersonship of the SADC Organ has been identified as the most urgent and crucial focus for action in the immediate future.

Assuming that it is possible to resolve the impasse around the SADC Organ, the paper went on to look at a number of procedural and policy issues that SADC would need to address in order to avoid the mistakes it made in Lesotho and to achieve a coherent and systematic approach to conflict management in general. These include policies and procedures on peace operations, preventive diplomacy, early warning and conflict analysis and the relationship between SADC, the UN and the OAU.

The paper concluded with an agenda for action for the operationalisation of the SADC Organ, starting with the crucial first step, the resolution of the impasse around the chairpersonship of the SADC Organ and moving from there to the need to adopt a protocol that will address the overall objectives, structures and modalities of the Organ, followed by the development of operational procedures and policies, putting in place the necessary human and material resources and ending off with the need for ongoing training and capacity building.

Despite the current challenges, SADC remains a natural geographic, cultural and political sub-region entity. There is no other choice but for its members to develop the necessary common ground, common values and common vision that would lead it out of the current quagmire. Only two years ago SADC had that cohesion and political will, and with it tremendous grass roots goodwill and support from the people of the region. This was self evident in the unusually high degree of cohesion and common approaches SADC exercised in various international fora. Some would argue that the impasse around the chairpersonship of the SADC Organ, the intervention in the DRC and the multiple, sometimes competing, SADC initiatives around the DRC that followed, has done irreparable damage to the unity of SADC.

Others are more optimistic, and believe that SADC's core geographic, cultural and political cohesion is in place, but that it is up to the people of SADC to rekindle those ties, reconcile our differences and rediscover the obvious advantages of sub-regional cohesion and cooperation in the context of globalisation and the vision of the African role in the context of the African Renaissance. It is this need to stand together, and to be stronger as a sub-region than we would otherwise be as individual member states, that has brought us together in the first place. Perhaps the vision of an African Renaissance, coupled with the threat of SADC's disintegration – the cold reality of the alternative should the SADC Organ fail – will somehow strengthen the subregion's resolve to find a way out of the current impasse and leave us with a stronger SADC. The alternative is too bleak to contemplate.

Endnotes

- 1 Cedric de Coning is Peacekeeping Manager of the African Centre for the Constructive Resolution of Disputes (ACCORD).
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Lesotho intervention: Implications for SADC

The sanctions imposed against Burundi by neighbouring African countries in July 1996 and the October 1998 NATO threat to carry out air strikes against Serbia without prior approval by the UN Security Council are examples of initiatives which could be in breach of Chapter VIII of the UN Charter. As pointed out in the first part of the paper, some analysts believe that the SADC interventions in Lesotho and the DRC would qualify as enforcement actions and thus also required prior approval by the UN Security Council.

Africa's Constitutional Renaissance? Stocktaking in the '90s

Clive Napier¹

Increasingly one comes across references, in the literature on the politics of Africa, to the state and the need to reconfigure it or to reform it and its institutions or to reconstitute political orders.² Also one comes across more frequently in the literature, references to constitutions and constitutionalism³ signifying a new interest in the topic as part of a larger process in reconfiguring or reconstituting the African state. Another concept that has gained currency in recent times is the existence of or the wish for an African Renaissance or African renewal. Constitutional reconfiguring or renewal is subsumed under the notion of an African Renaissance. The concept of an African Renaissance needs to be clarified.

The word 'Renaissance' has recently gained currency on the continent, particularly among the South African leadership elite.⁴ In its dictionary sense, it refers to the revival of literature and art under the influence of classical models in the fourteenth to sixteenth century – very much a romantic notion. Sellery⁵ on the other hand, gives the concept a far broader meaning. In relation to historical western Europe he notes that:

The organisation of life in the communes and capitals of the West (including all the inheritance from ancient times which had passed into customary use), its adornment with art and

literature, and its integration with philosophy and history; the expansion of industry and commercial enterprise, involving contact with other civilisations and lands; the growth of geographical knowledge and maritime skill... the inventions of printing, the microscope, the telescope, and artillery; the demonstration of the heliocentric conception of our universe; the investigations into the nature of political authority... and in truth to all 'supreme authority'... the growing share of the laity in all the activities of learning – these are the main constituent elements of the true Renaissance.

These developments as referred to above, were the components of the historical European Renaissance. 'Renaissance' then in terms of Sellery's understanding of the concept, refers to an historical process that took place in response to environmental changes in various parts of Europe involving many fields of endeavour. In terms of Sellery's understanding of the concept it is inclusive of several fields of endeavour – and can include the reconfiguring or reconstituting of the state. However, when the notion of a Renaissance is applied to the present day continent of Africa, it is never quite certain whether it embraces a process already underway or a vision or a wish for the future. Africa of the twentieth century and particularly the nature of its political organisation is quite different from that of Europe in the fourteenth to the sixteenth centuries. If, as I argue below, African constitutions are coming into view as institutions worthy of reform or redesign or revival or renewal and in some cases may have already received this attention, then Africa may be on the verge of a process of constitutional Renaissance or revival or renewal.

The centralised nation-state or state-nation is accepted as the primary political unit of organisation on the continent of Africa as elsewhere in the world.⁶ The African state, as is well known, has been subjected to a process of liberalisation since the early 1990s. Political liberalisation as opposed to economic or social liberalisation entails the reform of authoritarian regimes. It involves, as Bratton and Van de Walle⁷ argue, the official recognition of basic civil liberties and human rights like the freedom of movement and speech, the release of political prisoners and the re-legalisation of formerly banned political parties. Political liberalisation they further argue, is an intermediate phase in the transition of the state between the onset of protest and the emergence of a new regime equilibrium. Constitutional reform is one

of the components of this process and may or may not take place at any one of these stages.

The performance of structures, institutions and leaders is being called into question in the literature, for example by Wunsch and Olowu, Olukoshi and Wohlgemuth and Aron in Ellis,⁸ by international institutions such as the International Monetary Fund (IMF) and through World Bank publications such as the World Development Report 1997⁹ and the secretary general of the United Nations in his report to the Security Council on the causes of conflict and the promotion of peace and sustainable development in Africa.¹⁰

Attempts are, however, being made in certain countries to reform state institutions. Issues like democratisation, multi-partyism, constitutionalism and economic development are now at the forefront of debate and analysis. The focus of African renewal includes a far broader ambit than its historical sense and certainly its dictionary sense. Perhaps one should more correctly refer to Africa's revival and renewal in that some of the continent's institutional past is being revived and new institutions are being introduced, particularly from the early 1990s when countries on the continent began to liberalise, reassess economic performances and respond to globalisation imperatives. Few would argue against the view that contemporary Africa needs to undergo a process of revival, renewal, or if one wishes – a twentieth century Renaissance, whether it be political, economic, social, institutional or constitutional.

The aims of this contribution then are twofold: to survey some of the developments specifically in the field of constitutional renewal in African countries particularly in the late 1980s and 1990s, and further, to argue that constitutional reform or renewal has been a top-down limited process which is far from sufficient or complete. The reform that has taken place up to the present is insufficient to promote real political stability and economic growth. Reference will be made to the broad historical evolution of African constitutions, followed by selected country case studies to illustrate the argument as stated above.

A constitution is one of several components of the modern day state. It is a body of fundamental law that establishes a government within a state, structures, institutions and procedures, and regulates the relationship between them and the public and private domains.¹¹ One main issue that is of concern in this article is the process through which African countries have attained their constitutions, rather than the content of those constitutions. The key issue is that constitutions need to assist in ensuring stability and

predictability within a state. They need to enjoy a wide degree of support, respect and legitimacy. The process through which they are adopted is then important in determining their legitimacy. One therefore needs to take an historical view of their evolution.

The origins of African constitutions

The literature has little to say about the specific origins and evolution of African constitutions. This is an important issue that needs to be answered because the procedures followed in adopting a constitution can determine the degree of legitimacy that constitution may enjoy and further, provisions of existing constitutions may need to be incorporated in new constitutions and conversely, others may need to be omitted so as to promote the workability of that constitution.

One should begin by conceptualising the evolution of African constitutions in four phases beginning with (i) pre-colonial Africa; (ii) colonial Africa; (iii) the post-colonial phase up until about 1990; and (iv) a post-1990 phase of cautious reassessment and renewal. These phases are not water-tight but are convenient for the analysis of Africa's constitutional evolution. The one phase was a building block for the next – each having in varying degrees influenced the following one.

The first phase – Pre-colonial rule

The literature has very little to say on constitutions in this phase of Africa's evolution. It would seem that the numerous polities of pre-colonial Africa had no written constitutions in the present day sense – notable exceptions being the trekker constitutions of isolated population groups living in various parts of southern Africa. For example, emigrants to Natal formed a rudimentary constitutional form of government in 1838 and the Orange Free State and the South African Republic adopted written constitutions in 1854 and 1858 respectively.¹² Indigenous African communities did not have written constitutions¹³ but what most African polities certainly did have were political systems organised around norms and values and in this sense of the meaning of the word 'constitution' – pre-colonial Africa had numerous constitutional states. Fortes and Evans-Pritchard¹⁴ write of the pre-colonial African state consisting of a 'balance between power and authority on the one side and

obligation and responsibility on the other'. The authors¹⁵ also write of African kings and chiefs ruling by consent and the duties of subjects to them. Moreover, they say that Africans realise that power corrupts and that men are liable to abuse it. The abuse of rules can result in popular disapproval and rebellion. These then are some examples of constitutional relationships that existed in many of the pre-colonial African polities.

The second phase - Colonial rule or hegemony

Colonial rule was accompanied by the imposition of European forms of rule for their respective possessions or what Young¹⁶ terms, the building of 'hegemony'. The form of hegemonic rule differed from state to state and colonial power to colonial power. The British colony was somewhat different from other continental colonies in that it was less centralist and absolutist and the superstructure of domination varied from colony to colony. France by contrast was more centralist in its form of hegemonic rule. To underpin European rule, a legal framework was necessary. This legal framework at the highest level of public law, defined the relationship between the colonial power and the colony and alongside this provision, powers were delegated to executives within the colonies. A system of 'customary law' was permitted to function alongside colonial laws and institutions. There was a further dimension of authority – the authority vested in the lower echelons of territorial administrators to very often interpret customary law as they wished. As colonial rule over time became increasingly institutionalised the metropole was freed from the detailed management of its colonies and, with the exception of the settler communities, became less responsive to the needs of local inhabitants, particularly in the inter-war period. With the growth of the anti-colonial movement in the post World War II period, both Britain and France began to adapt their colonial policies – the British in general committed themselves to self-government and the French to federalism incorporating the colonies in the metropolitan system of government. As the time grew closer for departure by the colonial powers, for Britain in particular, an honourable departure meant the adoption of metropolitan institutions. For the nationalist leaders, metropolitan institutions also enjoyed high levels of prestige. The important point here is that metropolitan institutions including constitutions were simply adopted without much debate by the newly independent states. In the case of the British, colonial constitutions came into being by either Order-in-Council; Letters Patent; Royal Instructions; Local



Ordinance and by Act of Parliament providing for degrees of differentiation between dominions, colonies and protectorates. The Colonial Office was largely responsible for the drafting of colonial constitutions thus allowing very little public participation in their drafting. These ‘constitutions’ were really a series of structural arrangements to address the exigencies of their time.

All former African colonies had constitutions at one time or another although their detail is often sketchy and not easily accessible. The colonies with large settler communities obtained their own constitutions at an earlier stage than those that did not and were provided for by legislative acts emanating from the imperial power. What is significant about this is the fact that the laws of the metropole generally prevailed in the colonies. In the case of British constitutional law, the English constitution lay at the root of all constitutionalism in the Empire. Early colonial law according to Berriedale¹⁷ ‘... was dominated by the conception that Englishmen carried with them the law of England, and that if they settled any where, the only constitution which the Crown had the right to grant was one based on the English model of a representative legislature’.

In the case of former French territories, legislation and practices originating in the metropole lay at the root of political development. Two notable legislative provisions in this regard are the ‘Loi Cadre’ of 1956 and the French Constitution of 1958. Wherever Britain ruled, its constitutional ideas prevailed. This was similarly the case with former French, Belgian and Portuguese ruled territories.

As Young¹⁸ sums it up: ‘The essence of terminal colonial policy was the implanting of fragile graftings of a constitutional polity onto the robust trunk of colonial autocracy’.

The third phase – Independence period

What is important about this period is that pre-independence African constitutions, where they existed as composite documents, and others which were hurriedly drafted, were generally passed on with few amendments, or uncritically accepted by post-independence African elites. Where composite constitutional documents did not exist, existing Orders-in-Council and other relevant legislation was simply collated into a single document and published as a constitution. As Mamdani puts it: ‘... state organisation in independent Africa is to a great extent a structural continuation from the colonial period’.¹⁹ What did not happen, in general, was for the respective constitution to be

redrafted with the broad participation of the general populace. Constitutions were generally drafted by legal elites in the metropolitan capital and accepted by local ruling elites.

What is important with regard to African independence constitutions is that few inputs could be made by local participants into the drafting process and further, the end product in general was not designed by local participants for local conditions and needs. These constitutions did not receive the stamp of legitimacy from local population groups. Constitutions in the first few decades of the life of the independent African state were amended by leaders to suit their own party and personal interests. Power in general was increasingly centralised and constitutions bore little relationship to the real needs of the country concerned. Checks and balances that may have been included in these constitutions were ignored as well as human rights provisions. The emphasis in the first few decades of independence was on nation-building and this included a process of subduing ethnic and class divisions and opposition groupings in pursuit of monistic as opposed to pluralistic and dualistic notions of the state.

The fourth phase - Post 1990

This phase is characterised by a tentative look at the role of constitutions and their reform or amendment – coinciding with the process of liberalisation as referred to above or a phase of reassessment or what Chazan *et al* term the ‘reconsideration of state power’.²⁰ Although reforms or amendments to constitutions were made in the first few decades following independence, the amendments of the 1990s are being made in response to a different set of circumstances, namely the forces of globalisation and those of a new democratic ethos. There are generally two broad approaches that have been followed with regard to the reform or redrafting of African constitutions.

(i) The holding of constitutional conferences or national conventions.

This method is associated with the constitution re-drafting processes, which took place in Namibia from 1989 to 1990 and in South Africa between 1990 and 1996. These two constitution-drafting exercises involved, in varying degrees, participation by the populations of the respective countries. The more recent South African exercise was preceded in 1908 to 1909 by the holding of what was termed a ‘national convention’ to draft a constitution for the Union of South Africa. The latter exercise did however exclude the majority of the South African population from partaking in the process.

Robinson²¹ describes the national conference as a 'phenomenon' particularly prevalent in Francophone Africa. However, very often these conferences have lacked defined roles or focus and gone beyond the devising of constitutions to declaring themselves sovereign and have dissolved sitting legislatures. Others have insisted that certain issues are off limits like the discussion of ethnicity and regionalism. These conferences have also been subject to manipulation and tensions between leaders and members of the conference.

(ii) Reform processes initiated by the executive.

In the process of liberalising and responding to pressures for change, presidential review or reform commissions are appointed consisting of hand-picked appointees. These appointees inevitably produce recommendations not unfavourable to the existing political order. The important observation to be made about this process is that it is initiated from the centre and recommendations are either accepted or rejected by the centre or leadership elite. Constitutional conferences or referenda are generally not employed to legitimise constitutional amendments.

Constitutional reform in the 1990s

A number of African countries in the 1990s have addressed constitutional reform issues by following one of the two processes referred to above. What follows is a random sample of some African countries that have embarked upon constitutional reform in the 1990s. Brief references are made to the processes followed and prospects for fundamental constitutional reform.

Zimbabwe

Since 1980 and the attainment of independence of the country, Zimbabwe's constitution has been amended on several occasions to further the interests of the ruling ZANU(PF) party. Because of its overwhelming majority in the legislature, the party has simply been able to push legislation through to achieve this goal. The initiative for these amendments has come from the executive itself with no public participation. In response to Zimbabwe's compromise constitution negotiated at Lancaster House in 1979 and the arbitrary way in which the government has been able to manipulate the constitution to suit its interests – particularly since the expiry of the reserved clauses in 1987 – a grouping calling itself the National Constitutional

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Assembly (NACOASS) was established in Zimbabwe in July 1997 and formally launched early in 1998. This grouping comprises members of church groups, non-governmental organisations, trade unions, individual politicians, academics and ordinary citizens, whose aim it is to mount a nation wide campaign to highlight the weaknesses of the present constitution. A further aim is to develop a new 'indigenous' constitution devised by the people, which would be respected by the population and political leaders alike.²²

There are, in the case of Zimbabwe, major obstacles to overcome such as getting the message across to millions of people and convincing the government of the day of the necessity to devise a new legitimate constitution genuinely supported by the population. In the latter half of 1998 and early 1999, the trade union movement in staging a number of mass strikes has complemented the struggle for a new constitution. In response to these calls, President Robert Mugabe agreed in late 1998 to the appointment of a committee to look into the drafting of a new constitution for the country.²³

The formation of NACOASS is perhaps one of the few examples of a real grassroots initiative to devise an indigenous constitution for the country following a bottom up process, unlike the Mugabe initiative. The prospects for a new legitimate constitution based upon the real will of the people of Zimbabwe appear to be dismal. Incumbent leaders tend to be reluctant to make constitutional concessions that are likely to jeopardise their positions of authority. A new constitution is only likely to come into being for the country once the present day leadership accedes to the holding of a constitutional convention or a new leadership elite assumes power. The latter scenario is more likely for Zimbabwe.

Nigeria

Nigeria has had a long and complicated experience in reviewing its constitutions. The process involved in reviewing Nigeria's post-independence constitutions has been severely criticised. Nigeria's post-independence experience in revising its constitution includes the introduction of a Republican constitution in 1963, another constitution in 1979, and yet another constitution in 1989. In 1987, the Babangida administration, as part of its transition programme towards democracy, set up a Constitutional Review Committee (CRC) to review the 1979 constitution. When the CRC had completed its assignment, the government established a 567-member Constituent Assembly to review the changes recommended by the CRC. The CRC was partly elected and partly nominated. The constitution making process in Nigeria's case was

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a combination of both approaches referred to above.

Mottoh-Migan²⁴ criticises this process in that there was a lack of consultation with ordinary people as well as the Constituent Assembly not being a fully elected body. Nigerian constitutions, she argues, have never been fully accepted because of the strictures placed on their making by the military. Once again the constitution making process was a top-down approach which has not resulted in a legitimate constitutional order being established. The return to civilian rule in May 1999 could usher in a period of renewed constitutional revision.

Swaziland

Swaziland is another country which has had a 30-member government appointed Constitutional Review Commission in place since late 1996. This commission was appointed in response to demonstrations in support of the lifting of a long standing state of emergency, the banning of political opposition groups and a return to constitutional rule. The commission was criticised for being undemocratic because it was appointed by King Mswati, the final source of authority in that country. It was argued that the commission should have been elected. It was also afflicted by resignations from among its membership ranks.²⁵ To date a new broadly based legitimate constitution for the country has not materialised although there are strong pressures from the trade union movement and opposition groupings for such an undertaking.

Kenya

In the run up to Kenya's December 1997 general election, the nature of the constitution came into focus. Calls were made by demonstrators for a constitutional revision to reduce the powers of the president, and electoral reforms to ensure free and fair elections, a respect for human rights and provisions for a coalition government. The reform of the constitution was spearheaded by a broad based National Convention Executive Committee (NCEC) comprising members of opposition and human rights groupings.²⁶ This grouping had called for among others, the repeal of colonial laws limiting freedom of assembly and the powers of the police, the appointment of an independent electoral commission, and changes to the method of election of the president. One of the responses of President Daniel arap Moi has been to appoint a Constitutional Commission.²⁷ This is another example of a state-centred response to the request for constitutional change.



Zambia

The Zambian constitution amending process has also been driven from the top. Amendments have been made from time to time and have been largely a response to party political needs. Some of the most recent amendments and particularly in the 1990s have been in response to the need to accommodate multipartyism and the desire to ensure the retention of power by the governing party. For example in 1991, the constitution was amended by the then ruling United National Independence Party (UNIP) to allow the opposition Movement for Multi-party Democracy (MMD) to participate in a general election in that year. In December 1993, President Frederik Chiluba appointed the Mwanakatwe Constitutional Review Commission, which was expected to write a constitution based upon a national consensus as to its content. The government rejected a number of recommendations made by the commission including the proposal that it be adopted by a Constituent Assembly and in a national referendum.²⁸

The important observation to be made here, as in other countries, is that the government appointed the commission. The composition of the commission could then be made up of those who would likely support a government point of view or interests. Further, the commission was used to promote the interests of one party over another. In response to the findings of the commission, legislation was passed prohibiting former President Kenneth Kaunda from standing in the forth-coming election. In the case of Zambia then, the 1996 constitution was not based on a national consensus as to its contents but based once again on the needs of the ruling political party.

Uganda

In 1986 the National Resistance Movement (NRM) came to power and appointed a 21-member Constitutional Commission with wide terms of reference. The commission's report was to be submitted to the relevant minister for his consideration. After initial disagreements over the appointment of commissioners it began its work in gathering information on the most suitable constitutional arrangements for the country. However, it was felt that the commission lacked the people's mandate and sanction. The very names of the commissioners appointed were never proposed by anybody at the grassroots level. Although the intention was to involve the population at large, according to Furley and Katalikawe,²⁹ the constitution resulting from the commission's work was handed down rather than the other way round. The process of constitution-making in the Ugandan case was different to previous



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constitution-making exercises in the country, it extended over a period of four years, but the end result was not dissimilar to its predecessors. Besides the South African and Namibian constitution making exercises, the Ugandan constitution-making exercise is perhaps one of the most thorough to have taken place in Africa. It nevertheless seems that the process accords with the second approach referred to above.

Eritrea

On 23 May 1997, the Eritrean Constituent Assembly ratified a new constitution for that country. A 50-member Constitutional Commission was appointed and was guided by a 10-member Executive Committee also appointed, but representing Eritrean society. The basic idea behind this constitution drafting exercise was to involve the public as far as possible.³⁰ Detail as to what proportion of the public was involved and how involved they were is not clear at this stage. It nevertheless seems that the Eritrean constitution drafting exercise was largely a top-down process.

Namibia and South Africa

These two countries are considered together in that they are perhaps the only two in Africa whose constitution drafting process accords most closely with the first alternative referred to above. The parameters for Namibia's final constitution were set by various international resolutions and principles and in particular United Nations Security Council Resolution 435 of 1978, which provided for the establishment of a Constituent Assembly to draft a constitution for the territory. In November 1989, 72 political party representatives were elected to the Constituent Assembly which drafted a constitution and which was implemented on 21 March 1990. In January 1990, the Constituent Assembly itself debated the content of a draft constitution after having been finalised by a standing committee and a panel of three constitutional experts.³¹ The weakness in this process is that the general public was not engaged in debate over its content.

In many ways the Namibian experience was a precursor for the later South African constitution drafting process. The drafting process that was followed in the South African case occurred in two stages. In the first stage, an interim constitution was negotiated in an unelected multiparty negotiating structure. The constitution that emerged from this process came into effect on 27 April 1994. In terms of this interim constitution a parliament which doubled as a constitutional assembly was elected to draft a final constitution.

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The interim constitution included 34 principles, which the Constitutional Court had to certify as having been reflected in the final constitution. This was duly complied with and the final constitution came into force on 4 February 1997. As far as public participation in the drafting of the constitution is concerned, the official newsletter of the Constitutional Assembly claimed that by the end of 1995, some 248 500 petitions and 1 500 individual submissions had been received on various aspects of the constitution. It was also claimed that the Constitutional Assembly's media campaign had reached 73% of adult South Africans, numbering 18,5 million people.³² Although not perfect, the process whereby the South African constitution was drafted and involved the ordinary population, certainly surpasses that of any other African country.

Conclusion

At this point one should attempt an answer to the question posed in the title above – is Africa experiencing a constitutional Renaissance or revival or renewal in the 1990s? The answer is, in my view, not an emphatic yes, but a qualified yes. Moves in this direction are still extremely cautious and tentative. Admittedly the above is not a complete survey of constitutional reform but a tentative start has been made in a number of countries to review their constitutions. There certainly is an interest in many African countries in the 1990s in reviewing constitutions, but the process it would seem, is still very much in keeping with alternative two above, a top-down one – followed in the first few decades of independence. This approach in my view is not the preferred one. It is unlikely to generate the degree of legitimacy that a constitution should enjoy.

Although a tentative start might have been made in many countries to review their constitutions, the process followed accords in most cases with alternative two above instead of alternative one. The notable exceptions are Namibia and South Africa, although they are by no means perfect examples of a bottom-up approach. However, many of the initiatives are driven by leadership elites to address immediate issues and problems and, as Bratton and Van de Walle argue,³³ to relieve the pressure being placed on them through liberalisation and democratisation imperatives. Very little acknowledgement is given, except perhaps in a limited way in academic and opposition circles, to the need for new constitutional orders truly based upon

the will of the people. Further and coupled to this, little acknowledgement is given to the importance of constitutions as devices for promoting democracy and economic development.

During the first few decades of independence recognition was certainly given in a limited way by many African leaders to the role and importance of constitutions in their respective countries, in that they considered it necessary to amend them to accommodate their own personal and party needs. In other words, they were seen as devices to be used to serve immediate and often short-term interests – a trend that has continued into the 1990s.

A point most often ignored and argued by Owusu,³⁴ that if a notion of constitutionalism existed in pre-colonial Africa, can what remains not be salvaged or revived and incorporated in new constitutional forms still to be devised for African states? He cites, for example, African attachment to proverbs and rituals that emphasise social cooperation, tolerance, social justice and respect for individual differences and for established authority as a basis for constitutionalism in present-day Africa. If it can be argued that the succeeding period of colonial rule did not obliterate all social norms and values derived from the pre-colonial period, then why should they not be incorporated into new African constitutions?

The further question which must be asked is what is going to bring about fundamental constitutional renewal in African countries? What is needed then for the importance of constitutional forms to be acknowledged? There are two basic arguments that need to be articulated.

First, the calls for human rights, accountability and democratisation need to be firmly linked to constitutional orders. One cannot have one without the other. Human rights and the processes of democracy cannot be influenced by leadership elites or political parties. One needs a guarantor that they are protected and enhanced by neutral institutions of some sort. For example, if one is to have a free and fair election, one needs an independent supervisory structure, unfettered by the executive. This surely suggests a major role for a constitution in determining how such a structure should be created.

Secondly, the need for rapid economic development on the continent is widely acknowledged. However, the case for economic development and constitutional linkage is barely articulated. Business enterprises, in order to prosper, require certain guarantees. For example, they need predictability and certainty in the environment in which they operate. Property rights need to be guaranteed, their legal existence needs to be recognised in law. Juristic

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entities must have access to a judicial system. The justice system must, moreover, guarantee contractual certainty in that contracts entered into must be upheld by the legal system. A stable legal system needs constitutional support. African leadership elites and constitutions themselves, in the African context seem far off from acknowledging these linkages.

Although there are tentative signs of African constitutional renewal, the process being followed in African countries is very much, as has been pointed out above, a top-down leader centred and also often a political party centred process. This approach is unlikely to promote constitutional legitimacy that is a necessity for constitutional functionality. One cannot have a piecemeal approach to constitutional renewal. One needs to examine all the factors that might impact upon, for example, democratic practices including remnants of colonial legislation as referred to above with regard to Kenya. Ultimately what one should probably aim for are constitutional orders that are a blend of traditional African constitutionalism and modern western values.

What then are the factors that could bring about fundamental constitutional renewal in African countries? The answers are neither easy nor apparent. The challenge then is to remove the process of constitution-drafting from the domination of leaders, political parties and the military and place it in the hands of civil society. One needs to make life after serving in political office as attractive as possible to enable long serving leaders to vacate their positions of power and thereby create space for new leadership and innovation. In other words, leaders should not have a personal stake in a particular constitution or office for their survival either physical or material.

A further factor that could bring about fundamental constitutional renewal in Africa is the role of international institutions like the IMF and World Bank as well as foreign governments in articulating the need for renewal. Civil society in the respective African countries is also important in this process. The road towards fundamental constitutional renewal is far from clear. The aforementioned institutions need to assist in promoting the debate on fundamental constitutional renewal on the continent.

Endnotes

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An Egyptian View of the African Renaissance

H.E. Ambassador Moushira Khattab¹

The continent that produced great civilisations such as those of Ghana, Benin, the Pharaonic of Egypt and Timbuktu of Mali could rise again and face the challenges of the twenty-first century.

This is exactly what the then deputy president, Thabo Mbeki, meant when he said in his speech in Japan in April of last year, 'We are our own liberators and we must have confidence in ourselves'. What other words could be more inspiring and stimulating for us as Africans embarking on the road of the African Renaissance? Yes, it is a long road and a difficult one, but we have started it and there is no going back.

The Egyptian view of the African Renaissance does not differ much from the South African view. We agree on the objective and the ultimate goal, even if we may vary on the mechanisms and tactics to reach our common goal. My emphasis will be on the socio-economic aspects of the African Renaissance as I consider these the most difficult of challenges.

What is the African Renaissance?

African Renaissance is taking pride in being Africans, pride in our culture which is our greatest asset, our heritage and our legacy. We must have

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confidence in our ability to change our fortune.

The fact that everyone is talking about African Renaissance nowadays is, in itself, gratifying, because what we need at this juncture is to create awareness... and we have succeeded.

On 27 April 1999, we celebrated the fifth anniversary of this young, yet strong democracy. The emergence of the new democratic South Africa is in itself a success of the African Renaissance. We in Egypt believe that the new South Africa is a great asset to the African continent. Former President Mandela's leadership will continue to be a great inspiration to the whole world. We are sure that with President Thabo Mbeki at the helm, the African Renaissance will continue to be a priority and main concern and South Africa will play a key role in fulfilling the dream of an African Renaissance.

Where do we come from?

Let us remind ourselves of some of the happenings that took place in the century that is about to end. The twentieth century has witnessed an era in which the African initiative was impeded for a long time: firstly, by the yoke of colonialism, followed by the constraints and rivalry of the Cold War.

The ramifications of this era in Africa's economic, political and social development linger with us to this day – low economic growth, continuing civil strife, degrading environments, weak institutions and imperfect markets, high population growth with poor health conditions (HIV to mention one) and a mountain of debts have been some of the structural obstacles to Africa's development.

The end of the Cold War and the changes that swept the world have not given Africa the peace and prosperity it had the right to expect. To make matters worse, we witnessed a wave of civil strife on our continent. To stop here would be to blame others for all our mistakes. As Africans, some of us must share the blame for giving in to manipulation that instigated the civil strife – for not providing good governance, democracy, respect for human rights or making the best use of our rich natural resources.

Where are we now?

With the dawning of the new century, many have expressed fear that Africa

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will be left behind, away from the global revolution marking the evolving new international order. The realities of the new international economic and political order are:

- globalisation, challenges and opportunities, increasing liberalisation of trade, rapid movements of capital, consolidation of the role of the private sector;
- the strong (Europe/NATO) are getting stronger and the poor are getting weaker and more fragmented, civil wars in Africa; and
- the gap is widening between Africa and the developed world.

We need to get our act together and become proactive in shaping our present and future. We should no longer allow ourselves to be marginalised.

We have to admit that the last decade witnessed tragic events in many parts of Africa. These range from outbreaks of epidemics to famine to civil strife, all of which have dampened the optimism and expectations that many have attached to the twenty-first century's ushering in of a new and brighter future for our continent.

Yet it is not all doom and gloom. We must not lose sight of the positive achievements scored in a number of areas, among which are the emergence of the new Namibia and South Africa and the end of the civil war in Mozambique. A growing number of African countries have undertaken economic and social reforms aimed at improving governance and creating an enabling environment for mobilising resources, both domestic and international. Some have scored remarkable successes. In recent years three African countries have exceeded 8% growth rates in GDP. Eight countries attained 6-8% and a dozen have achieved 3-6%, signaling hope within the turbulence. These signs are an indication of our ability to change and we must capitalise on that. According to the 1998 report of the World Bank:

Despite cautious optimism about the region's progress, Africa's growth must be boosted if poverty is to be reduced for large numbers of people. The macro-economic reforms that facilitated positive growth for three years now must be deepened to reshape the role of the state and enhance its effectiveness.

Special attention was given to human development, especially to helping African people take advantage of global communications systems for accessing information.

For the third year in a row, the average sub-Saharan African country experienced positive per capita economic growth in 1997. This,

combined with improved economic policies and increased political openness, has created greater opportunity for development. As Africa's leaders address the different development needs of their countries and strive for what some are calling an African Renaissance, the World Bank has been challenged to find new ways to respond to these opportunities and to meet the changing needs of its African clients.

The Bank's fiscal 1997 Annual Report was optimistic about the region's economic recovery. This is reinforced by the fiscal 1998 results. While the region's GDP grew at 3,8%, this was heavily influenced by South Africa's growth of 2% in 1997; the average African country grew 4,6%, slightly lower than in 1996 (4,8%). Some 37 countries registered positive per capita GDP growth in 1997, and 21 of them grew at 5% and more. Exports expanded roughly twice as fast as GDP in recent years and lower fiscal deficits and inflation also boosted growth.

But optimism must remain guarded while economic performance falls short of levels needed to reduce poverty substantially and deliver growth to all levels of society. Serious challenges to recent progress must be recognised:

- HIV/AIDS as a social and economic threat;
- dependence on development assistance;
- the rapid rise of domestic debt in some countries; and
- the potentially dampening effect of the East Asian crisis.

The majority of African economies have responded positively to growing social stability and sound policies, but the plight of Africans in some eight or so countries still severely affected by social and political instability must not be forgotten. Some countries, like Angola, show impressive growth figures, but they do not translate into either stability or better living standards.

How far have we come?

Besides the modest achievements listed in the report of the World Bank, I can cite the following:

- (i) The establishment of the Organisation of African Unity (OAU) in 1963. We in Egypt believe that this was the time of the emergence of the African Renaissance. Since then the African continent has gone from one upheaval to another, but the OAU survived. In this, we must commend the African

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leaders' determination to convene annual African Summit conferences, in the context of the OAU, providing a forum for exchange of views and discussion of African issues and concerns, unlike other regions which have not been able to do likewise. Also, there has been no complaint of lack of transparency in the work of the organisation.

For those who might think that I am painting a too rosy picture of the OAU, let me tell you that the OAU is what we African countries make of it. It is incumbent upon all its members to give it the support and the power to be instrumental in dealing with the problems and challenges that face our Africa. In other words, if we want a powerful OAU, we can have it. We Egyptians believe that we should not reinvent the wheel, nor should we stretch ourselves too thinly. All of Africa, its north, its south, its east and its west should work to achieve what is good for all of us. The existing regional groupings should be building stones and pillars for unified Africa cooperating together under the banner of the OAU.

(ii) The OAU Mechanism for the Prevention, Management and Resolution of Conflicts.

What I have said about the OAU applies here. Rather than creating new structures and mechanics, we should draw on its multidimensional role, including preventive diplomacy, peacekeeping and peace building. We need to strengthen the OAU Mechanism and use it rather than seeking new mechanisms.

(iii) The signing of the Pelindaba Agreement in Cairo, during April 1995, declaring Africa as a nuclear-free continent is an accomplishment we Africans should be proud of.

(iv) The launch of the African Economic Community.

(v) African information initiative.

(vi) African unified position towards APLM.

(vii) The unified African position concerning the reform and enlargement of the United Nations Security Council is another achievement in which we take pride.

These are but a few examples of our achievements to demonstrate that we can do it.

Egyptian policy concerning these issues

In this regard, I wish to reaffirm that Egypt's social and economic bonds with Africa are as ancient as its civilisation and its commitment to the goals of the

African Economic Community are unshakable.

Egypt has been actively involved in joint projects that provide new horizons for cooperation with several African countries. Agreements to protect investments, prevent dual taxation and to promote cooperation in the fields of trade, agriculture, industry, construction, mining, maritime transport, civil aviation and others have been signed. We strongly believe that such a pattern of cooperation provides a model for what we hope to achieve with all African countries. Egypt has become a member of the Common Market for Eastern and Southern Africa (COMESA). We are actively consolidating cooperation within COMESA. At the same time we are actively pursuing the fostering of ties with other groupings.

Aware of the need for an increased effort towards further enhancing intra-African cooperation, the Egyptian Government has established an inter-ministerial committee which comprises representatives from all government ministries to consider and put forward concrete steps towards enhancing cooperation between Egypt and African countries.

There are many steps that could be taken, by both Africans and the international community, to further endeavours towards an African Renaissance.

Our responsibilities and duties as Africans

- The need to recognise and realise the importance of economic integration, open markets and free trade among African countries as a prerequisite to achieve economic development.
- It is incumbent upon all of us Africans to formulate and coordinate policy priorities with a view to enhancing political stability and conflict prevention on the one hand, and to promote and harness the new opportunities which will empower us to meet the challenges of peace and development in a more collective and structured manner.

African countries should start harmonising their social policies, removing the inter-African trade barriers, and enhancing the continents human resources and infrastructure needed to link its various sub-regions. To be more specific, we need to work towards the unification of Africa's power grid, the establishment of a continental highway and a road network, an efficient transport system, reliable inter-African communication, the eradication of common diseases and pest control. These are some of the objectives that African states decided to attain through the establishment of the African Economic Community (AEC) in 1997. The launch of the AEC was a great step in

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reaching African economic integration. The existing regional economic groupings in Africa constitute the pillars of the AEC. We believe that these groupings should be consolidated. In ensuring that these groupings do not work in isolation from each other, cooperation and interaction should be encouraged between them. The goals of such cooperation should be:

- enhancement of self-confidence and self-reliance and adoption of a rational approach to conflict resolution. Making the OAU and other existing mechanisms our tools to achieve the aspired Renaissance;
- elimination of poverty through promotion of labour-intensive industries, investing in education and health. The state must cushion the adverse effects of economic transformation on the most vulnerable groups within their societies;
- empowering the private sector as an engine of economic growth;
- reinforcing civil society as a catalyst of popular participation;
- empowering women;
- achieving sound macro economic indicators and creating an environment that is investment friendly; and
- enhancing democracy and the respect for human rights.

Responsibilities of the international community

The international community, and in particular the UN Security Council, has certain responsibilities as well, specifically in the field of conflict resolution.

Responsibilities of the donor community

Africa's external debt is a major obstacle hindering its development. Africa alone cannot overcome this problem. The international community has to cooperate in facing this problem. The outstanding principle of Africa's long-term debt is nearly half the external debt of all the developing countries.

Conclusion

African Renaissance is not a dream. It is a challenge... a reality unfolding. Africa started its realisation some time ago. Some progress was made... the problems, as grave as they may be, should not dissuade or discourage us from pursuing the long walk.

The continent is filled with dynamism, with new pragmatic leadership, an emerging commitment to connect Africa to the global economy and women

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undertaking a more prominent role in development and growth.

These positive trends must be nurtured and consolidated to enable Africa to lay a solid foundation for its future and pave the way for a real 'African Renaissance' as it enters the twenty-first century.

We must draw on our existing resources and show strong resolve... and surely we will get there.

Endnotes

- 1 H.E. Ambassador Moushira Khattab is Ambassador of the Arab Republic of Egypt to South Africa. She has recently been appointed as Deputy Foreign Minister of Egypt.



Conclusion

Marie Muller¹

Within the broad theme of the African Renaissance, a number of sub-themes run through the four contributions making up this collection. The first of these refers to the nature of the African Renaissance. Both Ambassador Moushira Khattab and Clive Napier emphasise that the Renaissance is not a dream or mirage, but a reality. Both state emphatically that the Renaissance is an ongoing or historical process. All four explicitly or implicitly stress that this process is and should be an indigenous one in the sense that it is and should be driven from within the continent: Africans, all Africans, should assume responsibility for themselves, regain their belief in themselves and become the very best they can be – an African rebirth in the real sense of the word. However, it is also made quite clear that the African Renaissance is very much part of the process of globalisation and of preventing the African continent from remaining (and becoming even more) marginalised in the late twentieth and early twenty-first centuries. It is truly an awakening of Africa, not only to the inherent value of our heritage in all its diversity, but also to the realities of the world of today and of the future. It has nothing to do, therefore, with self-isolation – believing that one can best survive by self-reliance alone – or de-linking. It has everything to do with self-confidence and self-reliance while actively interacting with the rest of the world and playing a meaningful role in the council chambers of the world. It also has everything to do with developing a unique yet inclusive and common African identity, binding

together all Africans, from the Mediterranean to the southern tip of Africa and from the Atlantic to the Indian Ocean. The African Renaissance is a multidimensional process and a process, which if it is to truly materialise, will have to involve all layers of society. It has to be both a top-down and a bottom-up process, to use the current South African cliché.

The remaining six sub-themes flow to some extent from this common understanding of the nature of the African Renaissance. The first of these again runs through the four contributions and involves the idea that, though many difficult challenges face us, there are some real signs of a true revival and new beginnings. Khattab refers to the establishment and accomplishments of the OAU and other multilateral cooperative mechanisms and also quotes from the World Bank Report citing the positive per capita economic growth of the average Sub-Saharan African country for the third year in a row in 1997. Lolette Kritzinger-van Niekerk also cites the World Bank Report, giving more detail pertaining to the economic aspects of Africa's revival, and Clive Napier, in dealing with Africa's constitutional Renaissance, describes these as 'still extremely cautious and tentative' moves in the right direction. Cedric de Coning regards the SADC intervention in Lesotho as proof of a commitment to the vision of the African Renaissance generally and as the first (or one of the first) 'signals of southern Africa's determination to use whatever force is necessary to protect democracy and to ensure that no unconstitutional changes of government take place'. In essence, the four contributors agree that there are real signs of an economic and (to a lesser degree perhaps) political revival in Africa. However, they also concur that this is as yet a very fragile and tentative revival and, by implication, that things can easily go wrong. It is up to us, the Africans, to ensure that the tendency continues, is further strengthened and that the advances already made are consolidated. No-one will face the challenges on our behalf and the twenty-first century will either be one of our rebirth, brought about principally by our own efforts, or one of a further marginalisation and a return to the dark continent. We must recognise what we have already achieved, but should not be in the least complacent. The challenges are daunting and the future will be what we make it.

A third theme that runs through the papers in this monograph refers to the key role of South Africa in the African Renaissance. Khattab recognises this, while also emphasising the role of Egypt and that country's belief in and support for the idea of a rebirth on the continent. Clive Napier cites the example of South Africa (together with that of Namibia) as the only country

thus far to build its constitutional dispensation on the basis of broad consultation and deliberation, referring to the post-apartheid constitutional process as ‘certainly surpassing that of any other African country’. In the economic sphere, however, there is real cause for concern. Though South Africa is often described as the economic engine of Sub-Saharan Africa, by comparison to others in the sub-continent the country has not been performing that well recently. While Africa’s GDP grew at 3,8% in 1997, this was negatively influenced by South Africa’s growth of only 2% in 1997. And we know that since then South Africa’s growth rate has further slowed down. Napier points to the need for political stability and legal predictability and certainty, to further economic development and Kritzinger-van Niekerk also emphasises this relationship. They could have also pointed to the other side of the coin: the need for sustained economic development and the gradual elimination of poverty and inequalities generally, to sustain democracy and a viable constitutional state. The intimate connection between economics and politics complicates the all-round process of revival in Africa and the critical question concerning South Africa is for how long relative political stability and democracy will persist if the economic growth rate and in particular the unemployment rate do not improve or worsen. If South Africa has a key role to play in the African Renaissance, will the rebirth of the continent continue given these realities?

The fourth theme running through the papers involves the idea that though the African Renaissance must be an African-driven process, the continent will also have to avail itself of suitable partnerships and a shared vision with others outside. The international community generally, the United Nations, donors, the World Bank, and a variety of other potential (or real) partners are mentioned, in particular though not exclusively in the economic sphere. De Coning requires UN Security Council authorisation for successful peace enforcement operations to take place, and Napier sees a ‘role for institutions such as the IMF and the World Bank as well as foreign governments in articulating the need for (constitutional/political) renewal’ in Africa. Much is made by both Kritzinger-van Niekerk and Khattab of the importance of debt relief in giving impetus to the African Renaissance.

An emphasis on the necessity of an integrated approach to bring about the multidimensional revival, which is the African Renaissance, is the fifth theme running through these papers. This is supported by, and in turn supports, current thinking which tends to be anti-reductionist, focusing instead on the interrelatedness and complexity of political, social, economic and security aspects.



The sixth theme evident explicitly throughout three of the four contributions to this collection, is that of the need for the coordination of efforts within Africa, or an overarching and multilateral approach to bringing about the rebirth of the continent. Khattab delivers a plea for working through the OAU and seeing other cooperative efforts on the continent as pillars of a broader cooperative effort. She also points to the necessity of 'harmonising social policies' and stresses the importance of economic integration. Kritzinger-van Niekerk states that the 'need to rationalise (sub-)regional arrangements to reduce replication of efforts and conflicts in integration agendas' can hardly be overemphasised. De Coning points to the dangers of a 'lack of a coherent policy' with regard to a variety of aspects of peace management and stresses the importance of cooperation within the framework of SADC, the OAU and the UN.

The seventh and final theme, very clearly present in all four papers, is that of what is needed to ensure the rebirth of the African continent and detailed proposals as to how this can be done. Khattab deals with this under the heading of 'our responsibilities and duties as Africans', setting out various measures of an economic, political and social nature. Included are such aspects as reinforcing civil society as a catalyst of popular participation and the empowerment of women. In some detail, Kritzinger-van Niekerk sets out economic measures to 'deepen and broaden economic progress' with a view to 'achieving continent-wide sustainable growth and development'. Napier prescribes an independent supervisory structure, unfettered by the executive, a guarantor that will protect and enhance human rights and the processes of democracy – in other words a constitutional order. He also recommends that this constitutional order should be 'a blend of traditional African constitutionalism and modern western values'. It would be as inappropriate (and unwise) today to simply (re-)adopt 'traditional' social and political models, as it was on independence to simply adopt metropolitan (western) models. (One is grateful, therefore, that research is currently underway in South Africa to look into ways that traditional structures of authority can be integrated into the existing framework to aid and facilitate development and bring stability in traditional, rural areas such as KwaZulu-Natal.) Instead of just reviewing and criticising the September 1998 intervention in Lesotho, De Coning also puts forward lessons learnt from the event and identifies the 'current impasse around the dual chairperson-ship of the SADC Organ and SADC proper' as the 'major stumbling block in the further operationalisation of the SADC Organ', and indeed as 'a major threat to cohesion in the

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sub-region and the continued existence of SADC itself'. He continues by looking at a number of procedural and policy issues that SADC would need to address in order to avoid the mistakes it made in Lesotho and to achieve 'a coherent and systematic approach to conflict management in general' – an essential ingredient in the African Renaissance.

By finding common ground on the nature of the African Renaissance and by developing the above-mentioned themes relating to the rebirth of our continent in the political and economic spheres, the contributors to this volume have all made a small though meaningful contribution to the debate on, and the process of, the African Renaissance. The debate should continue, helping along the process. ACCORD and the Department of Political Sciences at the University of Pretoria hope to continue making a modest contribution in this regard through their joint Africa Dialogue Lecture Series.

Endnotes

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