A Somalian girl carries water in a Mogadishu street

BY HUSSEIN SOLOMON

EDITO

On Monday, 28 May 2001, heavy mortar and gunfire broke the stillness of the night in Bangui, capital of the Central African Republic (CAR). The commotion began when a rebellious army unit attacked the home of President Ange-Felix Patasse. Within two days, it became clear that forces loyal to the elected government had suppressed the coup attempt. The attempted coup in the CAR holds important lessons, for both policymakers and academics, which go far beyond a simplistic analysis that points to poor civil-military relations on the African continent.

Firstly, the attempted coup underlines the inherent complexity that is typical of many of Africa's conflicts - characterised by a large measure of interdependence between various sources of insecurity. Thus, it would seem that those who participated in the attempted coup hailed from the southern Yakoma tribe, which provided most of the armed forces prior to the mutinies during the early 1990s. President Patasse, on the other hand, is from one of the Sara ethnic groups that originates from the savannah north region. Thus, civil-military relations and the politics of identity - both regional and ethnic - seem to coalesce. For the conflict resolution practitioner, this implies that such conflicts need to be approached holistically, in order to understand the subtle nuances that contribute to conflicts being labelled 'intractable'.

The second lesson that one could draw from the attempted CAR coup, is that much of Africa's conflicts are regionalised and, increasingly, internationalised. President Patasse's government alleges that two Rwandan generals helped lead the mutineers, and that they were also supported by 300 mercenaries. On the other hand, President Patasse was supported by Libyan president, Muammar Gaddafi, who sent troops and two military helicopters. President Patasse was also supported by fighters loyal to Jean-Pierre Bemba's Ugandan-backed Front for the Liberation of Congo -these fighters crossed the Oubangui River in barges from the Democratic Republic of the Congo (DRC). These developments point to the fact that national conflicts exist within the context of various regional and sub-regional conflict systems, and that these conflicts need to be approached within that context.

Thirdly, it once again underscores the hiatus between early warning and early response. As early as 11 January 2001, United Nations (UN) secretary-general, Mr Kofi Annan, warned of the deteriorating situation within the CAR. In his report to the UN Security Council, the secretary-general noted that the country 'was gripped by political crisis, mired in social tension and underpinned by a fragile economy.' Despite ample warning, the international community has done little to prevent the looming crisis. By ignoring such early warning signals, the international community is placing greater emphasis on conflict management, rather than on conflict prevention. Proactive measures are eschewed in favour of reactive ones. In the process, human lives are lost. As any medical practitioner knows, prevention is better than cure. Consequently, it is imperative that the international community place greater emphasis on conflict prevention, rather than dealing with the consequences of an escalating conflict.

TRENDS
in the public sector

The public sector challenges within southern Africa ,[1] together with global trends, have created territories of conflict that require urgent intervention. Conflict resolution programmes must be implemented in order to prevent the democratic gains in these countries - and the overall region - from being reversed.

Since the public sector consists of institutions through which governments deliver services to communities, they have a primary responsibility in post-conflict reconstruction initiatives. Of course, international development organisations also have a role to play in this regard, particularly in post-conflict situations. The restructuring of institutions such as the public sector, becomes one of the first and foremost challenges for post-conflict countries. By virtue of its central role in strengthening democratic initiatives, the public sector has to contend with numerous reconstruction and development challenges.

These challenges - in conjunction with the nature, history, structure and function of a particular country's public sector - make this institution prone to conflict. In some Sub-Saharan countries, conflicts within the public sector have threatened young democracies, slowed down reconstruction and development programmes, and have hampered the advancement of countries, as well as the region in which they are located.

In addition to serving as institutions through which governance is implemented, the public sector is expected to take up a central role in the process of finding lasting solutions to the conflicts on the African continent. This would need to take place within the context of important economic and governmental changes. These changes are underway in some southern African countries. For example, structural adjustment programmes (SAP's) have been set up between certain countries; regionalisation within some countries has started taking place; and external factors, such as globalisation, have started to take effect. New partnerships with non-state actors - such as the private sector, communities and civil society - are also likely to be forged through the implementation of governance.

The consequential economic and political changes that the public sector will experience, will impact on conflict generation (and the manifestation thereof) within this institution and others. Hence, there are new challenges for Africa's conflict resolution initiatives. Consequently, prevention, management and transformation initiatives within these territories will need to be explored.

What are the reconstruction and development challenges that face the public sector?

The reconstruction and development challenges that face public sectors in southern African are generally not dissimilar to those experienced globally. Transforming this structure into an efficient and effective institution, capable of providing desperately needed public services to the communities they serve, is a global phenomenon. However, the peculiarities of the political, economic and social circumstances of the southern African region -

which includes constructing a public sector in the absence of both human and financial resources - add new dimensions to the challenges.

The common challenges identified below are not intended to be an exhaustive list - they merely display the extent of these challenges:

• The challenge of representing a diverse range of people
• Managing international trends aimed at rationalising and restructuring the public sector
• Allocating resources that are scarce
• Facilitating state democratisation through initiatives such as decentralised governance
• Changing structures and styles of management
• Developing human resources
• Challenges associated with transforming service delivery in order to redress past imbalances and meet current needs
• Lack of service delivery, or the non-delivery of civil society expectations
• Inefficient delivery of services

These challenges pose a mammoth task for any new, young or developing democracy which does not have the necessary experience, or the capacity in terms of human and financial resources. In addition, these challenges also create territories for conflict.

Conflicts within the public sector relate to the two levels at which reconstruction and development takes place. Firstly, sites of conflict are found within the public sector because it is involved in representing a diverse range of people, rationalisation and structural changes. Secondly, conflict occurs between the public sector and civil society as a result of transforming service delivery to meet the needs of civil society. The interplay between these reconstruction and development challenges can lead to conflict, and

the perpetuation thereof.

In addition to these challenges, the public sector has to deal with national, regional and global phenomena, which can further compound reconstruction and development initiatives. These phenomena could also threaten democracy. These challenges refer to the relationship between the public sector and regionalisation; HIV/AIDS; privatisation; ethnicity; globalisation; and religion. These challenges represent potential areas for conflict, and require dialogue.

What is the challenge for conflict resolution practitioners in terms of the role of the public sector in post-conflict reconstruction initiatives?

Conflict resolution practitioners need to explore programmes that could address the role of the public sector in terms of post-conflict reconstruction initiatives. In this way, our interventions would adopt a more holistic approach. Notwithstanding the belief that reform and reconstruction of the public sector is technical, developments in the field continue to emphasise that the process is political and conflictual - rather than technical - in nature. Consequently, when formulating reconstruction initiatives and interventions, conflict resolution practitioners must take into account these new trends - this is absolutely essential if lasting and sustainable solutions are to become a reality on the African continent. 🏛

Endnotes

1 Public Sector refers to an all embracing term for all govern-
ment institutions at all levels

Striking public servants listen to Secretary-General of Conference of South African Trade Unions (COSATU) Zwelinzima Vavi speaking on the lawn in front of the Union Building in Pretoria, 24 August 1999. The march drew between 30,000 and 40,000 teachers, nurses and off-duty police officers and went to the Union Building demanding higher wages.

TRENDS

in preventive action

Preventive Action refers to action undertaken by governments, regional organisations or non-governmental organisations aimed at preventing disputes from arising between parties, at preventing existing disputes from escalating into conflict and at limiting the spread of conflict when it occurs.

The second quarter of the year 2001 witnessed a number of socio-political and economic developments on the African continent, which hold both positive and negative implications for the African Renaissance project. This paper will hopefully provide a broad overview of some of the political developments that have taken place in the various sub-regions of the continent, and will also look at some of the trends that have characterised these developments.

WEST AFRICA

The political situation within the Mano River countries - Guinea, Liberia and Sierra Leone - is of great concern to the Economic Community of West African States (ECOWAS) and to the United Nations (UN). Representatives of the UN mission - deputy emergency relief coordinator, Carolyn McAskie; assistant secretary-general for political affairs, Ibrahim Fall; and undersecretary-general for peacekeeping operations, Jean-Marie Guehenno - visited these countries from 12-17 April. According to their assessment, Liberia and Guinea seem to be facing serious political challenges, while Sierra Leone seems to be steadily moving in a positive direction.

The UN imposed sanctions against Liberia during the early part of May, after it could not provide proof that it had stopped supporting and har-

bouring the Revolutionary United Front (RUF), as well as other armed groups, in the region.

The government of Sierra Leone met with the RUF in Abuja on 10 May 2001. The meeting was organised to discuss the November 2000 ceasefire agreement. Representatives from the UN and ECOWAS attended the meeting, during which the RUF promised to withdraw from the district of Kambia; release child combatants; and return all weapons seized from UN peacekeepers.

The UN has called for a holistic regional approach to the challenges that are currently facing West Africa. This would take into account issues relating to political and humanitarian challenges. According to UN representative, Ibrahim Fall, both ECOWAS and the UN need to develop a plan of action in order to deal with conflicts within the Mano River countries.

CENTRAL AFRICA

A new draft constitution, which was presented by Congo's government, was approved on 12 April during the second phase of dialogue. Dialogue facilitator and Gabon's president, Omar Bongo, urged all stakeholders to commit themselves to genuine reconciliation. The draft refers to a presidential system that would give the president executive powers as head of the cabinet. It would also allow the president to be elected for a seven-year

MARCO LONGARI/AFP

Rwanda's Patriotic Army pulls out of the Southern East city of Pweto in the Democratic Republic of Congo

term, which could be renewed once. The draft constitution will be submitted to a referendum at the end of 2001.

However, both external and internally-based opposition parties (14 in total) did not take part in the debate on the draft, because they were not part of the first phase dialogue which took place in March. They criticised the draft, claiming it had the potential of creating a totalitarian regime. The opposition parties and National Resistance Council (CNR) submitted a proposal, which focussed on the integration of former CNR combatants into the national army; the creation of a 'consensual' transition period; and the formation of a government of national unity. The opposition was given assurance by the government that their amendments and suggestions would be taken into account.

EAST AFRICA AND THE GREAT LAKES

The peace process in the Democratic Republic of the Congo (DRC) seems to be gaining momentum. On 7 May, the government and opposition armed forces signed a 'Declaration of Fundamental Principles' which is intended to lay the groundwork for an inter-Congolese dialogue which, in turn, is expected to lead the country to a new dis-

pensation. Although the Rassemblement Congolais pour la Democratie -Mouvement de liberation (RCD-ML) was not one of the signatories, it commended the other stakeholders' action. The UN and the Organisation of African Unity (OAU) welcomed President Joseph Kabila's decision to lift the ban on political parties, and applauded the efforts of all actors to achieve peace.

Meanwhile, all foreign actors have committed themselves to withdrawing their forces from the DRC. Regional defence and foreign ministers, as well as ambassadors from the UNSC, agreed that the total withdrawal of all foreign forces should be completed by February 2002.

Representative of the UNSC mission to the Great Lakes region, Ambassador Jean-David Levitte, announced that the first preparatory session of the Inter-Congolese dialogue would take place in July. During June, the Inter-Congolese facilitator, Sir Ketumile Masire, is expected to send representatives throughout the Congo to select delegates to partake in the dialogue.

Burundi's peace process is yet to transcend some of its challenges. Among them is the need to decide on the leadership of the transition, as well as the ceasefire between the rebels and army. The UN has called on all actors to return to the negotiation table.

More than 200,000 march in Algiers to denounce what they describe as the repression of Berber people in Algeria's northeastern Kabyilia region

SOUTHERN AFRICA

The sub-region is faced with challenges that centre on issues of democracy and good governance. These include electoral politics and the entrenchment of a multi-party democracy. Among the countries that are most affected by these challenges are Zambia and Malawi.

President Chiluba's attempt to run for another term was met with strong resistance from civil society and opposition parties, as well as members of his own Movement for Multi-party Democratic (MMD). Although his party's constitution was changed during a special convention held at the end of April, Chiluba backed down on 12 May and declared that he would not stand for a third term. According to some observers, Chiluba was pressured not to seek another term by Western donors.

In Malawi, reported campaigns by the United Democratic Front (UDF) to amend the constitution - in order to let President Bakili Maluzi run for a third term - were also met with protest from the religious arena (the Church of Central African Presbyterian - CCAP, and the Roman Catholic); opposition parties (the Malawi Congress Party - MCP, and the Alliance for Democracy - AFORD); and human rights bodies. They argued that the campaign could cost President Maluzi's reputation, both locally and further afield.

NORTH AFRICA

Algeria is yet to resolve the Berber culture and language issue. A rally in central Kabylie on 20 April - organised by the Cultural Berber Movement (MCB) to commemorate the 21st anniversary of the 'Berber Spring' - left more than 40 people dead, following a clash with security forces. The rally was also intended to demand official recognition of the Berber culture and language. The rally received support from various institutions, such as the National Federation of the Sons of the Martyrs (FNFC); the Local Coordination of Students (CLE); and the Coordination of Amazigh Scholl (CLA). Berbers make up approximately one third of the overall population in Algeria.

CONCLUSIONS

While a number of countries in West Africa - particularly along the Mano River - are overshadowed by challenges brought about by conflict, some Central and East African countries are showing positive signs towards dealing with their challenges. Southern Africa, in particular, has to work towards consolidating multi-party democracy and good governance. 🏛

TRENDS
in constitutional and political developments

EASTERN AFRICA

Professor Yash Pal Ghai, facilitator of the Kenya Constitutional Review process, has submitted to parliament the 12 names to be included in an expanded constitution of the Kenya Review Commission. The decision to expand the commission came as a result of a compromise between two previously opposed constitutional reform initiatives led by the parliamentary select committee, which is dominated by lawmakers from the ruling Kenya African National Union (Kanu) and civil society (Ufungamano), respectively. The merging of both initiatives, under the facilitation of renowned constitutional lawyer, Professor Yash Pal Ghai, is seen as an important first step in pushing the constitutional reform process forward. The pending enactment of a bill to entrench the review act in the constitution, as well as the issue of civic education and the delay in the commencement of the review process, have all been subjects that have dominated constitutional reform discussions throughout the country. Professor Ghai is expected to pick 12 names from a list of 20 that was presented to him by individuals and designated nominating bodies. On receiving the names, the clerk of parliament is expected to give them to the House Business Committee for subsequent tabling and endorsement in parliament. On endorsement, the 12 will be appointed and sworn in by the president - hopefully before the end of June.

In Uganda, 700 candidates will contest for the 279-seat parliament. Of these, 53 seats are reserved for women through electoral colleges, while 20 seats are reserved for special groups, which include the army, youth and disabled. In the capital city of Kampala, 50 candidates are vying for eight seats. One of the candidates is Nasser Ssebaggala, whose candidature for the presidency was annulled by a constitutional provision, which stipulates that candidates must satisfy certain minimum educational qualifications. Only three candidates will make it through to parliament unopposed - one will do so because her opponent arrived 16 minutes late for the nomination. The Uganda constitution provides that candidates may contest for public office on the basis of individual merit, and need not secure party support. However, agitation for a return to multi-party politics continues to dominate political and constitutional debates throughout the country.

In Tanzania, the ruling Chama Cha Mapinduzi (CCM) and the opposition Civic United Front (CUF) appear to be inching towards a compromise, following a stand-off over demands for constitutional change in the country, which resulted in violent clashes between the police and CUF demonstrators during January this year. The clashes precipitated a rapid exodus of predominantly CUF supporters and parliamentarians from the Zanzibar Islands to the Shimoni Coast in Mombasa, Kenya. Under the facilitation of the United Nations High Commissioner of Refugees (UNHCR), more than half the Zanzibari refugees have been repatriated back to their country, with others expected to follow. The Tanzanian govern-

REUTERS

Christians in Nigeria continue to resist the implementation of Islamic Sharia Law in the ten northern Nigeria states

ment has assured security for the returnees. The January stand-off has its roots in election irregularities, which took place in 16 separate wards on the Zanzibar Islands during the October 2000 general election. Despite a repeat of the polls in November, the CUF has maintained its position that fresh elections must be held. The CUF is widely perceived to have a stronger following on the islands than on the mainland. Although the conflict has manifested itself at a political level, its origin lies with a demand to revisit the Articles of the Union, with a view to restructuring it. Meanwhile, a new movement for constitutional change is lobbying for the inclusion of a provision that would allow independent candidates to vie for public office. The Tanzanian constitution provides that candidates must secure party support before they can contest public elections. The advocates for this particular provision argue that established political parties have not been very consistent in articulating national concerns, and that many have concentrated on narrow - and sometimes - personal interests. They further argue that independent candidates would have more freedom to make their contributions, without being bound by party discipline. Independents, in their view, would therefore serve as an innovative addition to the country's constitutional development. The recommendation has not received favour with the more established parties, which feel that independents would be able to mount serious challenges - although they would have relatively fewer resources and less organisational capacity, they would still have access to public funds. The debate continues.

WESTERN AFRICA

In Nigeria, conflict of law continues to characterise the political and constitutional climate. In recent months, a total of 10 states in northern Nigeria have adopted the Islamic Law known as Sharia. Christians living in the Borno State are resisting it, claiming they were not consulted about the implementation of the code, and that it is inconsistent with freedom of belief and expression, which are provided for in the federal constitution. The Borno State government has, in recent weeks, banned the sale and consumption of alcohol, and has set out a series of restrictions and regulations in line with the tenets of Islam. Meanwhile, the Nigerian press will soon be free of the restrictions that were enacted under the late Sani Abacha. The speaker of the House of Representatives has mentioned that all sections of the Nigerian constitution which inhibit press freedom, will be repealed before the end of the year. Between 1983 and 1985, General Muhammadu Buhari (who was the military ruler at the time) promulgated Decree Number Four, which empowered him to incarcerate a reporter or his editor if they published any article that indicted those who ruled the country. Senegal is currently trying to redefine the role of political parties within a

democracy. The president has suggested that parties must meet certain pre-conditions in order to field candidates for elections. This is widely viewed as a reaction to the recent proliferation of political parties within the country, following the constitutional referendum held in November 2000. According to the president, different conditions would apply to parties with previous election experience, as compared to those featuring for the first time. For the first category, a minimum score at the previous election is required, while a minimum number of endorsements would be required of parties in the second category. Of the 65 political parties identified on the eve of the 29 April parliamentary elections, 25 took part in the polls. Only eight parties, as well as the SOPI coalition (which brought together about 40 parties supportive of the ruling PDS), got seats.

NORTHERN AFRICA

Egypt's ruling party, the National Democratic Party, won 20 of the 25 seats during the second stage of elections for the country's consultative council. The interior ministry says the five other seats - which have no legislative power - were won by independent candidates. The first round of elections was held on 27 May. On 9 June, the second round of elections was held in six of the country's 26 governorates. Eight seats - including seven for the NDP - were decided in the first round. In the second round, the ruling party picked up 13 of the remaining 17 seats.

Algeria's senate selected Mohamed Cherif Messadia as its new president. He replaces Bachir Boumaza. According to the Algerian constitution, the president of the senate is the second most important state figure. The new president emphasised a democratic and constitutional change in government. His candidature was proposed by the parliamentary groups of two leading political parties: the National Liberation Front (FLN) and the National Democratic Rally (RND). Meanwhile, Algeria became the third country to sign the OAU protocol which relates to the Pan African Parliament. Algeria stated that the organ presented an opportunity to participate in discussions on such vital issues as good governance, democracy, constitutionalism and human rights. In Morocco, Prime Minister Abderrahmane Youssoufi was re-elected head of the Union of Peoples Socialist Forces (USFP). The USFP is the main party within the ruling coalition. Youssoufi

was re-elected - together with the remaining 21 members of the USFP politburo - at a meeting of the administrative committee, set up during the party's congress, which took place from 29 March to 1 April. Meanwhile, Amnesty International (AI) signed an agreement with Morocco to support the teaching of human rights in the country. The agreement aims to promote a culture of human rights. It also aims to ensure adherence to the culture by persons in charge of law enforcement. The training programmes for law enforcers will include the concept and protection of human rights, and will also create an awareness of the dangers associated with the violation of such rights. AI and Morocco also agreed to establish a joint committee to monitor the developing awareness of human rights in the country.

SOUTHERN AFRICA

Zimbabwe passed a law forbidding foreign funding for local political parties. The Political Parties (Finance) Act forbids political parties from soliciting or receiving funding from foreign sources, and provides for stiff penalties, including disqualification for violators. The law states that no political party, member of a political party or candidate, shall accept any foreign donation, whether directly from the donor, or indirectly through a third person. The government has repeatedly accused European countries - particularly Britain - of interfering in Zimbabwe's domestic affairs, by financing opposition parties in an attempt to unseat President Robert Mugabe. International donors have criticised the Zimbabwean government for its controversial land reform programme, through which it compulsorily acquired under-utilised farms owned by whites, in order to resettled landless Africans. In Zambia, the political atmosphere is still dominated by the president's failed bid to run for an unconstitutional third term in office. Former Zambian vice-president, Christon Tembo, resigned from the ruling Movement for Multi-party Democracy (MMD). He also resigned from parliament and joined the Forum for Development and Democracy (FDD).The FDD is a new party that is being run by former ministers who were expelled from the MMD because they opposed the president's bid. The 22 ex-MMD members are also challenging their expulsion from the party. In addition, they are appealing to the speaker to convene parliament in order to debate the motion to impeach the president.

MANOOCHER/AFP

State reconstruction and
peace-building efforts are
critical to sustainable solutions
to conflicts in Somalia

SOMALIA

BY KORWA G. ADAR

reconstruction
of a collapsed state

By the time the president of Somalia, Siad Barre, was finally defeated and driven out of the country in 1991, more than 300,000 Somalis had been killed, 800,000 turned into refugees, 1,170,000 internally displaced and 4.5 million threatened with starvation. By the year 2000, nearly one million of Somali's estimated population of nine million had been killed in the civil war. Most of the Somali refugees are hosted within the Intergovernmental Authority on Development (IGAD) region, with Ethiopia and Kenya being the largest recipients of refugees. In 1994, 1996 and 1998, IGAD member countries (Djibouti, Eritrea, Ethiopia, Kenya, Sudan, and Uganda) accommodated more than 500,000, 520,000 and 450,000 Somali refugees, respectively. Even though the state has collapsed, internal and external economic activities are still maintained and are controlled largely by the clan, sub-clan warlords and their business allies.

Economic Activities

In 1998, for example, exports of commodities such as livestock, bananas, hides and fish accounted for more than US$187 million. Saudi Arabia, the United Arab Emirates (UAE), Italy, and Yemen received 57%, 15%, 12%, and 8% of the goods, respectively. In 1998, imports of manufactured goods, petroleum products, and foodstuffs totalled US$327 million. In 1998, Djibouti, Kenya, Belarus, India and Saudi Arabia accounted for 20%, 11%, 11%, 10% and 9% of the total commodities exported to Somalia, respectively. By 1997, Somalia's Gross National Product (GNP) and external debt were estimated to be US$879 million and US$3 billion, respectively. There are more

A Somalian girl waits for help and food at a feeding center in Baidoa, Somalia

than 40 international governmental organisations (IGOs) and international non-governmental organisations (INGOs) involved in humanitarian activities in Somalia, and they play an important role in the country's economy.

The debacle of the United Nations Operation in Somalia (UNOSOM II), which was established to restore stability and revive the collapsed state, culminated in a war of attrition among the intra-and inter-clan factions. UNOSOM II was mandated by the UN Security Council, under Chapter VI of the UN Charter, to ensure the observance of a ceasefire by clan factions; to use force, if necessary, to prevent factional fighting; to protect UN personnel; to control the heavy weapons used by factions; to protect the seaports and airports; to clear landmines; and to repatriate refugees. After spending more than US\$1 billion, and after losing 151 personnel, the UN withdrew its 28,000 troops and 2,800 personnel under the protection of the Combined Task Forces United Shield (CTFUS), which consisted of 19,000 troops from 17 countries - including five from Africa (Egypt, Ghana, Nigeria, Zambia and Zimbabwe).

Actors in the Civil War

Over the last decade, the intra-and inter-clan factional fighting has involved General Mohamed Farar Aideed, and later his son, Hussein Aideed (Somali National Alliance - SNA/United Somali Congress - USC); Osman Hassan Ali Atto (SNA/USC); Ali Ismail Abdi (Somali National Democratic Union - SNDU); Mohamed Qanyare Afraha (USC); General Mohamed Said H. Morgan (Somali Patriotic Movement - SPM); Mohamed Ali Hamad (Somali Democratic Movement - SDM); General Omer Haji Maselle (Somali National Front - SNF); General Mohamed A. Musa/Abdullahi Yussuf Ahmed (Somali Salvation Democratic Front - SSDF); Ali Mahdi (National Salvation Council - NSC); Mohamed Ali Aden Qalinleh (Rahawayn Resistance Army - RRA); and Adan Abdullah Nur (SPM). Apart from these contenders, regional actors - particularly Eritrea, Ethiopia, and Kenya - have also been involved, either directly or by proxy, in the civil war in Somalia.

Ethiopia has frequently deployed troops along side the RRA, the SNC, the SNDU and the SNF to fight against Ethiopian rebel movements such as the Oromo Liberation Front (OLF) and the Ogaden National Liberation Front (ONLF), both of which are based in Somalia and are supported by Aideed's SNA/USC, as well as his allies. Ethiopian troops have also been engaged in military operations against the Somali militias, the *Al-Itihad Al-Islamia* (Islamic Unionist Party - IUP) and the Islamic Party. Aideed, on the other hand, receives arms primarily from Eritrea and Libya. The first major military encounter against the IUP, which involved a coalition of Ethiopian troops and SNF militia, was in 1996 and 1997, when Ethiopian forces managed to occupy the Gedo region in southern Somalia. In 1999, a coalition of more than 3,000 Ethiopian troops-RRA militias pursued the IUP and OLF militia as far as the Somali central town of Baidoa. With the help of more than 500 Ethiopian troops, a Luq-Belatwein-Baidoa buffer zone was established at the end of the military operations. Apart from instability within Somalia - which is of major concern for the IGAD members in general - the growth of Islamic fundamentalism is also one of the central determinants of the Zenawi Administration's interventionist foreign policy behaviour *vis-a-vis* Somalia.

The establishment of Somaliland - although it is still waiting in the wings for the existing states to confer sovereignty and international legal personality to it through diplomatic recognition - set the stage for what can best be described as the *'emiritisation'* of Somalia. In other words, the balkanisation of the country by self-styled Muslim warlords. Apart from the self-declared republic of Somaliland, the other administrative units which have been established in Somalia include Puntland (which incorporates five regions north-east of Somalia - 1998), Jubbaland (the region around Kismayu Port - 1999) and Hiranland (central Somalia states - 1999). These administrative units are compatible with IGAD's long-standing ideal of reconstructing the collapsed state of Somalia, which would be centralised within the context of *'building blocks'*. IGAD's concept of *building blocks* is based on the proposition that the development of local administrative units (or the '*bottom-up'* approach) constitutes a viable option towards the establishment of a decentralised Somali unity. In an attempt to authenticate and legitimise this policy of decentralisation in Somalia, IGAD heads of state and government (during their seventh summit in November 1999) called upon the international community to provide assistance and promote the reconstruction efforts underway in Somaliland and Puntland as the main *building blocks* on which to restore Somalia. Somaliland is dominated mainly by the Issaq clan, whereas Puntland, which is controlled by the SSDF, consists of a coalition of the *Majerteen* clans in the Bari, Nugal and Mudug regions.

HOCINE ZAOURAR/AFP

It is important to note that the leaders of Puntland have reiterated their commitment to the inviolability of the unity, integrity and sovereignty of Somalia, whereas the Somaliland administration is advocating for secession. Somaliland's policy of secession contradicts the Charter of the Organisation of African Unity (OAU) - particularly Article III - as well as the organisation's long-standing policy based on a respect for the mainte-nance of the borders of the African states, as acquired at the time of independence. Indeed, IGAD's concept of *building blocks* is centred on the same viewpoint. In other words, the reconstruction of the Somali state, with the long-term objective being the unity of Somalia, as it existed prior to its collapse. What is interesting to note is that as the prime minister of Somalia (1967-1969), Ebrahim Egal was one of the leading advocates for a Greater

Somalia or Pan Somalism. The policy of Greater Somalia was centred on the premise that all Somali-speaking people in the Horn of Africa should be incorporated into one larger state.

Ebrahim Egal's *volte-face* regarding the policy of Somali unification can be attributed to four main factors. Firstly, the perpetual intra-clan, inter-clan and sub-clan war of attrition, which continues to reinforce the zero-sum calculus of power, negates the possibility of achieving a consensus on the pol-icy. Secondly, the policy of Greater Somalia remains an elusive concept because prior to its collapse, Somalia never received meaningful sup-port from the international community in its endeavour to secure self-determination for the Somalis within the region. Thirdly, most Somalis have come to associate the protection of their secu-rity with clans and sub-clans, thus eroding the rel-

Somali refugees huddle in squalid makeshift huts in the south of Mogadishu

evance of the state. This makes it difficult to envisage a larger entity called Greater Somalia. Fourthly, Egal's decision is likely to be influenced by the SNM's radical wing, who are strongly opposed to the unification of Somaliland (or *Calan Cas* as they call it) with Somalia. In December 2000, for example, more than 200 prominent personalities in Somaliland - including former vice-president, Abdirahman Aw-Ali, and other SNM members - signed a petition against the unification of *Calan Cas* with Somalia. The policy of Pan Somalism is currently being championed by the little known IUP and Islamic Party, whose main projects are centred on the establishment of a theocratic Islamic state based on *sharia*, as in the case of al-Turabi's Sudan, which is administered by the National Islamic Front (NIF) government.

What is emerging, as indicated in the 2000 report prepared by the office of the UN resident and humanitarian coordinator for Somalia, is that true opportunities for recovery and development exist in Somaliland and Puntland, because of the relative peace and stability that prevails there. Even the UN secretary-general, Kofi Annan, earlier acknowledged (in his Report - GENERAL S/1999/882) that administrations in some parts of Somalia, particularly in Somaliland and Puntland, had began to provide some basic services to their people. One of the central objectives of the UN resident coordinator and the UN country team (UNCT) - including the UN Political Office for Somalia (UNPOS); the Food and Agriculture Organisation (FAO); the UN Children's Fund (UNICEF); the UN Development Fund for Women (UNIFEM); the UN Development Programme (UNDP); the UN High-Commissioner for Refugees (UNHCR); the UN

A Pakistani soldier is deployed in Mogadishu in 1993 as part of the failed UN operation in Somalia

ANDRE DURAND/AFP

Educational, Scientific and Cultural Organisation (UNESCO); the World Food Programme (WFP); and the World Health Organisation (WHO) - is to encourage Somalis to participate actively in the reconstruction and development of the regions that are experiencing peace and stability. The financial flow to Somalia from IGOs, INGOs and NGOs based in the country, as well as the Official Development Assistance (ODA), provides useful incentives for the development and reconstruction of Somalia. The millions of 'Somali diaspora' contribute nearly US$120 million per year, whereas the ODA contributed US$90 million and US$64 million in 1998 and 1999, respectively.

Peace-building in Somalia

Since the collapse of the Somali state in 1991, more than 15 conflict resolution attempts have failed. These attempts were initiated by clan and sub-clan leaders across the socio-religious and economic-political spectrum in the country. Bilateral and multilateral regional, continental and global efforts have also failed. However, the 2000 Djibouti peace plans have shed more hope with regard to peace-building in Somalia.

During his September 1999 address to the UN General Assembly (UNGA), President Ismail Omar Guelleh of Djibouti reiterated what he considered to be a more inclusive and viable option to the peace process in Somalia. He reiterated his country's commitment to host an inclusive and comprehensive Somali National Peace Conference (SNPC). His initiative, endorsed by the UNGA, the OAU, the IGAD, the League of Arab States (LAS), the Organisation of Islamic Conference (OIC) and other interested parties, culminated in the Arta Djibouti Accords - agreed upon by more than 2,000 delegates. The participants included traditional and community leaders, religious groups, business leaders, politicians and intellectuals from Somalia. IGAD, Egypt, Ethiopia, the OAU, the UN, Italy and the United States also attended the conference, which has the potential to provide a lasting foundation for conflict resolution in Somalia. In an attempt to reach an amicable resolution to the endemic problem in Somalia, and to accommodate the interests of clan factions, the delegates agreed to share the 245 TNA seats according to the main clans, with the Dirr, Hawiye, Darod, Digil and Mirifle allocated 44 seats each.

On the other hand, the small clans and women were allocated 24 and 25 seats, respectively. The additional 20 seats were distributed equally among the parties. Apart from the distribution of seats, the other pertinent issues agreed upon by the Somalis included the establishment of a government of national unity for a period of two years; the election of a president by members of parliament; the appointment of a prime minister by the president; the formation of a transitional government by the prime minister; the setting in motion of a national constitution-making project; and the preparation and establishment of institutional structures required for independent national elections to be held within the interim period. The 27 August 2000 inauguration of Abdiqassim Salad Hassan as president of the Somali Transitional Government (STG), and the establishment of the Transitional National Assembly (TNA) which followed four months of negotiations in Djibouti, once again brought new hopes for stability in Somalia. Salad Hassan won the third round of voting, after beating his nearest rival, Abdullahi Ahmed Addow, by 145 to 92 votes.

Taking cognisance of the volatility and complexity of the civil war, the conflicting parties incorporated a number of central, binding principles into the Arta Accords, which they considered essential to the survival of the agreement. Firstly, the Arta Accords reaffirmed their commitment to the unity, national sovereignty and territorial integrity of Somalia. Secondly, the Somalis pledged to refrain from instigating violence, and from using threat or force as mechanisms for achieving political ends. Thirdly, they agreed to subordinate their personal ambitions and self-interests to the national interests of Somalia. Fourthly, they reaffirmed their commitment to observe the 1992 UN Security Council Resolution 733, which imposed a complete embargo on all deliveries of weapons and military equipment to Somalia. Fifthly, they pledged to adhere to the ceasefire and disarmament agreements, which were signed by the conflicting parties between 1991 and 1997.

Challenges to Somali's Peace Process and Peace-building

Apart from the volatile situation in Somalia, the Somali Restoration and Reconciliation Council (SRRC) - established by Somali factional leaders in Awasa, Ethiopia, in March 2001, under the aegis of the Zenawi Administration - has brought a new dimension of uncertainty with regard to the survival and legitimacy of the newly established STG, which is led by Abdiqassim Salad Hassan. The Awassa Group's agreement provides for the estab-

lishment of an interim government, presided by five co-chairmen on a rotational basis. The SRRC has also been mandated to convene a national reconciliation conference in Somalia. The SRRC co-chairmen include Hussein Aideed (SNA/USC); General Aden Abdullahi Nur (SPM); Hassan Mohamed Nur Shatigadud (RRA); Abdullahi Shakh Ismail (SSNM); and Hilowle Imam Umar. The Awassa Accords received support from Ebrahim Egal of Somaliland, and Colonel Abdullahi Yusuf Ahmed of Puntland, the administrative regions commonly referred to as the *Northern Recovery Zones*. The 16 faction leaders who signed the Awassa agreement are led by Colonel Abdullahi Yusuf and Hussein Aideed.

The Zenawi Administration, as well as the leaders of Somaliland and Puntland, are wary of the STG's links with Islamic fundamentalists. More than 40% of Ethiopians are Muslims, a factor which the Zenawi Administration cannot ignore, particularly because the Oromos - the largest ethnic group in Ethiopia, who are fighting for their self-determination - are culturally and linguistically akin to the Somalis. Indeed, Ethiopia's landlocked position and her desire for access to the seaport of Berbera in Somaliland, explains the Zenawi Administration's *de facto* cordial relations with the leadership of Ebrahim Egal. Somaliland is controlled mainly by the Somali National Movement (SNM), with the United Somali Front (USF), the Somali Democratic Alliance (SDA) and the United Somali Party(USP) as the main opponents to the Egal leadership. It would be correct to say that the Zenawi Administration favours the emergence of stable, but fragmented, autonomous Somali republics, such as Puntland and Somaliland, which would not pose a threat to Ethiopia.

State Reconstruction and Peace-building on the Post Arta Accords

In an attempt to solidify and accelerate the recognition of his government, the new Somali leader, Salad Hassan, attended the UN Millennium Summit in New York during September 2000. While he was there, the Somali flag was hoisted for the first time after more than 10 years. President Salad Hassan not only thanked the UN for its efforts to revitalise the collapsed state of Somalia, but also apologised, on behalf of his country, for the atrocities that were committed during the UNOSOM II operations. During November 2000, the UN representative in Somalia, Randolph Kent, launched a comprehensive programme entitled *First Steps: An Operational Plan to Support Governance and Peace-building in Somalia*. The programme was designed to harmonise the UN agencies' operations in the country, as well as those in Somaliland and Puntland. One of the plan's objectives entailed the participation of Somalis in the reconstruction of the state, by solidifying incentives for peace that were emerging from the Arta Accords and existing areas in Somaliland and Puntland.

President Salad Hassan's participation in the November 2000 IGAD Summit in Sudan, as well as the cancellation of debts owed to the regional organisation by Somalia, indicate a clear endorsement of the STG. The appointment of Ali Abdal Rahman al-Numayri (by President Al-Bashir of Sudan) as IGAD's special envoy to Somalia, clearly indicates the regional organisation's commitment to support the STG. Indeed, for the first time in 10 years, Somalia was officially represented at the March 2001 OAU Summit in Tripoli, Libya. The Libyan leader's commitment to support President Salad Hassan's interim government, and the Somali-Libyan economic cooperation signed during the summit, have laid the foundation for improved relations between the two countries in the future. As I have explained, Libya is one of the countries that continued to provide the politico-military support to Hussein Aideed, who is opposed to the STG.

Conclusion

A durable solution to the perpetual civil war and instability in Somalia can only prevail if state reconstruction and peace-building efforts are carried out within the IGAD-mandated Arta Accords. IGAD remains the only appropriate instrument, which needs to be supported in order to coordinate the peace process in Somalia. The parallel conflict resolution initiative, encouraged by the Zenawi Administration, is likely to undermine the progress made by the STG towards reconciliation - progress which has received recognition from the UN, the OAU, the LAS, the EU and IGAD. In order to accelerate the peace process in Somalia, the LAS committed more than US$450 million to the STG at one of its recent meetings.

Endnotes

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INTERVIEW WITH PRIME MINISTER ALI KHALIF GALAYHD

NAIROBI, 14 May (IRIN) - Since its establishment in Mogadishu seven months ago, the new Transitional National Government (TNG) has struggled to assert control over the Somali capital, demobilise thousands of armed militia, and deal with rampant inflation. Initially received with great optimism in Mogadishu, the TNG has faced continued opposition from Mogadishu-based faction leaders; the newly formed southern-based Somali Restoration and Reconciliation Committee (SRRC); the self-declared independent state of Somaliland, north-western Somalia; and the self-declared autonomous region of Puntland, north-eastern Somalia. Opposition leaders have rejected the Djibouti-hosted Somali peace talks in Arta, which led to the election of the TNG in August 2000, and have dismissed the new government as 'illegal' and 'unrepresentative' - despite the fact the it has received international recognition. Interim Prime Minister Ali Khalif Galayhd spoke to IRIN during his visit to Nairobi, Kenya, from 10-12 May, where he held talks with international financial institutions, diplomats and the United Nations Development Programme (UNDP).

IRIN: Can you explain what the Transitional National Government hopes to get out of talks with the International Monetary Fund [IMF] and the World Bank?

Prime Minister Galayhd: The main objective is to brief the IMF and World Bank on the state of the economy, and share some ideas we have on formulating policies whether in terms of tax collection, or the printing of new money. We will also discuss outstanding loans, and what we are seeking in terms of assistance from the international community for the reconstruction and rehabilitation of the country.

IRIN: But is it possible to ask for such assistance when the TNG hasn't been able to demonstrate control over the economy - or over the regions?

Prime Minister Galayhd: Well, control of the economy is easier said than done. We came to Mogadishu on 13 October, and we came without a penny. We have been supported by some business people. At the time, we were in no position to collect taxes... and in terms of taking command of the economy - even governments that have power, find it enormously difficult to control the economy. In our case, we didn't have civil servants, or records. So, there was no possibility of looking back and examining the old policies... and formulating and calibrating policies appropriate for the time. We did not have the resources - whether in terms of government officials or data collection - or economic management systems. As none of these were in place, we had no pretensions to say this or that should be done. We waited - and I think today we are in the position to carry on and collect taxes, and monitor fiscal policies and macroeconomic policies. That's why we want to seek the advice of the IMF, the World Bank and the UNDP. Hopefully, we can benefit from the knowledge of post-conflict situations in places like Liberia, Sierra Leone, Bosnia and East Timor.

IRIN: Let's put that in the context of what has happened in Mogadishu over the last couple of days - where there has been the bloodiest battle Somalia has seen for some years. Do you think people are losing hope in the TNG?

Prime Minister Galayhd: I think the Somali people - or at least those in Mogadishu - have been very hardened by their experiences over the last 10 years. In a city of about two million people, and where there are very heavily armed militias and individuals, it is to be expected that every once in a while there will be unexpected incidents of violence. The TNG has been pursuing a policy of use of non-violence and peaceful constructive dialogue, even with our opponents in the city... Last week there were six lorries full of arms and ammunitions which came into Mogadishu. We knew when they entered the country, and we followed their route - but we didn't want to pick a fight... I would have thought this [reluctance to fight] demonstrates our goodwill. Some people might see it as a sign of weakness. But for us it is a sign to our own people that we want to abstain from the use of violence. What happened over the last two days [11-12 May] ... happened in and around the port. I'm told [faction leader] Husayn Aydid wanted to enter the port. This is a first - he has not entered the port since the TNG has been in Mogadishu... shots were fired and from there, things spun out of control... it was an unfortunate incident... We are sorry that it has happened, and when people get killed - I don't care whether they are on the side of Aydid or the government, it is unfortunate for Somalis. We abhor the loss of life. We would like to advise caution, until we get back on top of the situation.

IRIN: In terms of reconciliation, why no successful dialogue yet with Puntland and Somaliland?

Prime Minister Galayhd: In the case of Puntland and Somaliland, their problems are a bit more complicated than those of the gentlemen [faction leaders] who are in Mogadishu, and who are now part of the Ethiopian-supported SRRC. Puntland and Somaliland are admininistrative entities which we realise were created with some good reasons. In the case of Puntland, the idea was an attempt to manage its own affairs until a central government was formed. A central government is in place now, and the majority of people in the north-east are very much supportive of the TNG. They are against what Mr Yusuf [Colonel Abdullahi Yusuf, president of Puntland] is trying to do, which is to extend his term of office. In the case of the north-west, again, we know there were some good reasons why that entity was created - there have been a lot of grievances on the part of that particular territory. But nonetheless, the territory is not homogenous, and most people feel there is no consensus in terms of what is to be done from here on. [Somaliland's President Muhammad Ibrahim] Egal's idea of holding a referendum or a plebiscite on the new constitution [on 31 May], I'm afraid to say might lead to destabilisation and violence. We fear Egal might ultimately be the loser himself.

IRIN: But if there is a majority vote for independence in Somaliland, will that be significant?

Prime Minister Galayhd: No, not in the least.

There was an Act of Union when British Somaliland became independent on 26 June 1960, and the southern Italian-administered Somali trusteeship became independent on 1 July 1960. The union took place that same day, 1 July 1960. I don't think Egal and his administrative entity can legally decide on their own to pull out of that union, even if there is a majority vote. And I don't believe there will be a majority [vote on that issue]. I think the majority of people there are vehemently against this so-called secession. I'm afraid people might resort to stuffing ballot boxes. There might be violence in a good number of the regions, including the critical region of Togdheer.

IRIN: What would you say is the greatest strength, and the greatest weakness of the TNG?

Prime Minister Galayhd: I think the greatest strength is that this is a process in which most Somalis have a sense of ownership. This is their process of national reconciliation and of reconstruction, of a unified Somali state, more than anything else. I think that is what worries those against the [Djibouti-hosted Somali peace talks] Arta outcome, whether they are from our neighbouring countries, or anyone else outside this framework. The institutions that have been created - the interim constitution, the parliament, particularly the parliament... is the single most important institution now in place. I think it is the symbol of this process. In terms of shortcomings, it's that we... have not been able to engage those who are outside the Arta process. This is our single most important area in which we feel we have not accomplished as much as we should have done. But at the same time, I'd like to add that we have tried from our side, and we have directly contacted the three gentlemen who are with us in Mogadishu [faction leaders Husayn Aydid, Musa Sude Yalahow, and Usman Ato] and indirectly have been in touch with both Mr Yusuf and Mr Egal... but we realise that is where our greatest shortcoming is. 📊

Endnotes

will her vote count?

ACCORD's Constitutional Unit
is poised to become involved in
a number of constitution writing
processes on the continent

RWANDA

BY PAUL NANTULYA

constitution writing

At the invitation of the Rwanda Constitutional Commission, a delegation from ACCORD visited Rwanda from 30 April - 2 May, 2001. The visit was conducted under the auspices of ACCORD's Constitutionalism in Africa Programme. Accompanying the delegation was Justice Pius Langa, deputy president of the South African Constitutional Court. ACCORD was represented by its executive director, Mr Vasu Gounden, and Mr Jerome Sachane, director of Mediation Services. A series of consultative meetings were conducted with various organs and stakeholders, including the president of the Supreme Court; the Chief Justice; the National Unity and Reconciliation Commission; the National Human Rights Commission; and representatives from the Constitutional Commission itself. The aim of the consultations was to familiarise ACCORD with the plans and needs of the constitutional commission, in order to determine how best to apply ACCORD's expert assistance to the commission's work. The meetings also provided an opportunity to develop some insights into the political and constitutional dynamics in Rwanda. Views on South Africa's (as well as other countries) constitutional experiences were exchanged, in order to draw unique insights - their relevance to the Rwandan situation was also examined. Justice Pius Langa delivered a presentation on South Africa's constitutional development and mentioned some themes which are also likely

MARCO LONGARI/AFP

Rwandan President Paul (L) queues together with voters of the Kibaza polling station in Kigali

to confront the Rwandan constitution making process: the question of inclusivity; mechanisms to address past imbalances; justice and reconciliation; social rights as distinct from political rights; and the issue of minorities. The judge pledged the support of the South African Constitutional Court, and extended an invitation to the president of the Rwanda Constitutional Commission to visit South Africa as a follow-up to the consultations.

ACCORD's Constitutionalism in Africa Programme was established through the support of an expert panel of constitutional advisors, who have provided conceptual and technical support to constitution-making and reform processes throughout the continent. The panel is co-chaired by Professor Jakes Gerwel, former director-general in the Office of President Mandela; and Ambassador Francis Deng, UN special advisor on displaced persons. Other representatives include Ambassador Mohammed Sahnoun, former UN spe-

cial envoy to the Great Lakes region; Ambassador Ibrahim Gambari, special advisor to the UN secretary-general on conflicts in Africa; Mr David Malone, president of the International Peace Academy; and Professor Mona Makram Ebeid, former member of the Egyptian parliament and professor of political science at the American University in Cairo.

The programme will also assist the Constitution of Kenya Review Commission and the Somali Constitutional Working Group later this year.

Endnotes

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Unpacking the Zambian

third term debate

ZAMBIA

BY CLIVE NAPIER AND HENDRICK MASEMOLA

the presidency

Zambia became an independent republic on 24 October 1964, and immediately adopted a presidential form of constitutional rule. Kenneth Kaunda became the first person to hold the post of president, and on 13 December 1972, he signed into law a constitution which provided for a single party form of rule, thus prohibiting opposition parties from campaigning for office against his United National Independence Party (UNIP).

In 1991, after serving for 26 years as head of state and government, President Kaunda was defeated in a multi-party election. Fredrick Chiluba, former trade unionist and member of the newly formed Movement for Multiparty Democracy (MMD), succeeded him. The Zambian Constitution was once again amended to provide for multi-party elections. In 1996, President Chiluba won a second, five-year term in office.

In 1994, the Mwanakatwe Constitutional Review Commission was appointed by President Chiluba to, in his words, 'write a constitution for the country that would stand the test of time' and which should be adopted through a Constituent Assembly. The Mwanakatwe Report was released in June of 1995. Only 29% of the recommendations included in the report were accepted by the government. Additional clauses were included in the constitutional draft. One of the clauses provided for the exclusion from political participation, thousands of Zambians who had one or both their parents born outside the country. Another clause also provided for the disenfranchisement of chiefs. This clause was aimed at excluding former President Kenneth Kaunda from contesting the 1996 presidential election, as well as Chief Inyambo Yeta, who was then vice-president of the opposition UNIP.

Another clause stipulated that the presidential

SALIM HENRY / AFP

term should be limited to two, five-year terms (Clause (35)(1)(2)). The relevant clause stated that '...every president shall hold office for a period of five years' and 'notwithstanding anything to the contrary contained in this constitution or any other law no person who has twice been elected as president shall be eligible for re-election to that office.' The Constitution of Zambia Amendment Act of 1996 became law on 28 May 1996, and included all these clauses.

Until October 2000, President Chiluba indicated that he intended on retiring at the end of his second term in October 2001. Since then, he has reversed his position and has sanctioned a public debate to amend the Zambian Constitution in order to provide for this. In April 2001, President Chiluba announced that he was determined to fight on and win the battle against those opposed to a third term. Also in April 2001, labour minister,

Edith Nawakwi, reported that it was 'clear that the president is determined and has resolved to amend the constitution.'

The sanctioning of a public debate on the issue resulted in a number of divisions within Zambian society, as well as in the MMD. Of the five provinces which had held party conferences by early March 2001, Lusaka Province resolved not to support the amendment of the Zambian Constitution in order to allow President Chiluba a third term in office. MMD members in the copperbelt region further to the north opposed the decision, as well as Lusaka members, and staged a protest by carrying a coffin and placards that denounced the decision. MMD members of parliament from the Northern and Southern provinces were suspended from the party because they opposed a third term.

Similarly, the secretary-general of the Catholic

Opponents to Zambia President Frederick Chiluba flee tear gas in Lusaka as police and demonstrators clash after prominent opponents of Chiluba were barred from holding a rally against his possible re-elections.

Church in Zambia, Father Ignatius Mwebe, stated that 'the church leadership is totally opposed to calls for President Chiluba to go for a third term because the move is unconstitutional and undemocratic.' Moreover, religious leaders who had attempted to discuss the third term issue with the president, were only granted access to a deputy minister, and believed they were treated in that manner because of their stand on the issue.

Likewise, Samuel Malafulafu, acting president of the Foundation for Democratic Process (FODEP), believed that a dangerous precedent would be set by allowing President Chiluba to stand for a third term. Opposition political parties also vowed to take legal action in order to block a third term for the president. The Law Association of Zambia (LAZ) also opposed a third term, as well as a number of President Chiluba's own ministers. During the recent Lusaka Convention, some ministers refused to wear clothing which had a call for a third term inscribed on them.

On 21 March 2001, a fourth cabinet minister, William Harrington (minister for tourism), was relieved of his position because, it was believed, he had publicly opposed a third term for the president. Earlier in the year, the minister for local government, Ackson Sejani; deputy minister of home affairs, Edwin Hatembo; and minister of the Eastern Province, Solomon Mbuzi, were all relieved from their positions, apparently for the same reason. Some believed that President Chiluba was forming an elite around him - which included district administrators and MMD officials - in order to further his third term ambitions.

The Public Interest Foundation (PIFO) believed a referendum should have been held to consider an extension of President Chiluba's term of office, as well as the inclusion of traditional leaders in public affairs and guarantees for press freedom. The PIFO also believed the referendum should have delved into the issue of whether or not a mechanism should have been put in place to recall members of parliament and councillors who had not performed.

Opposition to a third presidential term embarked upon a whistle and hooting campaign within various parts of the country in order to make themselves heard. This resulted in police clamp downs. Students from the University of Zambia also declared that they would make the country ungovernable, as long as President Chiluba continued to seek a third term in office.

On 30 April 2001, a MMD convention decided

to amend the party constitution, allowing President Chiluba to serve more than two terms as party leader. No less than 80% of those attending the convention voted in favour of the amendment, which exceeded the two thirds required to amend the party constitution. As the re-nominated party leader, President Chiluba would have been eligible to stand for re-election as a presidential candidate in the elections planned to be held during the last quarter of 2001.

In addition to events that preceded the party convention, the convention itself was marred by violence and accusations of impropriety. Media reports alleged that several opponents of President Chiluba were physically assaulted by fellow party members outside the convention venue. Opponents of a third term boycotted the convention, alleging it had been called in violation of party rules and that security was inadequate. Prior to the convention, opponents of a third term launched a legal challenge in an attempt to prevent the MMD from holding the event. They maintained that proposed amendments to the party constitution were supposed to have been communicated to members three months prior to the commencement of a party convention. This challenge was rejected by a high court judge. The Lusaka High Court also ruled that a MMD resolution to exclude from the party, more than 200 members who had boycotted the convention, was ultra vires. The group included the vice-president of Zambia, Christon Tembo; MMD party vice-president, Godfrey Miyanda; 10 cabinet ministers; and about 60 lawmakers.

The next step in implementing the decision of the convention, would have been to draft an amendment to the constitution and have it approved by the National Assembly before it could be enacted as legislation. The approval by the National Assembly would have also been a divisive issue, with opposition from within the ruling party, as well as opposition parties, strongly opposing the amendment. In addition, the election campaign later in the year would also have been a deeply divisive issue, with President Chiluba coming under personal attack from his opponents. If a constitutional amendment was approved, a number of parliamentarians and ordinary MMD party members could have aligned themselves with the opposition United Party for National Development (UPND), or the Zambian Republican Party (ZRP).

Events took a new turn on the evening of 4 May 2001, with President Chiluba again reversing his position by announcing, on national television, that

Protesters march in Lusaka after the chairperson of Movement for Multi-party Democracy (MMD), Dawson Lupunga, was expelled from the party. Clashes broke out between protesters and police in downtown Lusaka, where thousands gathered to rally against President Frederick Chiluba's possible re-election

he would not seek a third term in office. He declared that he would form a new government, and that he would become an ordinary citizen when his term in office expired.

Had President Chiluba continued to insist on serving a third term, it would have remained a divisive decision until (and after) the presidential election. However, the forthcoming presidential election could still be a divisive issue, despite President Chiluba's decision to withdraw his candidacy. An issue which could divide the country involves the presidential candidates who might enter the field. If President Chiluba endorses a particular candidate, this might be seen as an attempt to continue ruling through a surrogate leader. Also, ethnic considerations may come to the fore if a number of candidates from different backgrounds contest the election. For President Chiluba to emerge as a respected statesman, he could - in the run-up to the election and beyond - play a mediating role by attempting to reconcile different constituencies, thereby ensuring the election is conducted freely and fairly. By adopting a mediatory role, he could also publicly support the winning candidate. Divisions over the issue of the presidency run deep within Zambian society, and could affect the long-term stability and prosperity of the country. President Chiluba could still play an important role in healing these divisions.

Endnote

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Tracking the move African Unity
to the establishment of the
African Union

AFRICAN UNION

BY MARTHA BAKWESEGHA

from
unity to
union

Since its establishment in 1963, the role and function of the Organisation of African Unity (OAU) have remained the same: to promote unity and solidarity among Africa's people. The OAU's original aim was to defend and respect the sovereignty and territorial integrity of member states, and to liberate all those who were still under colonial rule. Its objective was also to promote international corporation. Provision of a better life for Africa's people was made the OAU's number one priority. The settlement of disputes with the use of 'negotiation, mediation, conciliation and arbitration' was the OAU's strategic focus for conflict resolution and management during the early years.

The vision held by the founding fathers of the OAU was one of a union. However, at the time, this was considered to be farfetched and impossible for Africa to achieve. With this in mind, the idea of unity appeared to be more realistic and convenient, especially since unity was what Africa needed most during her fight for liberation. Consequently, the founding fathers ratified and implemented the OAU charter.

To achieve the principles and objectives set forth in the charter, the member states vowed to commit themselves to political, social and economic cooperation in order to pave a collective path towards an integrated continent. The accomplishments of the OAU were to come about through the various institutions that were established within the OAU charter. The existing OAU structures include the Assembly of Heads of State and Government; the Council of Ministers; the General Secretariat;

A poster with a slogan for 'African Unity' is displayed in Libya on the eve of the OAU summit.

and the Mechanism for Conflict Prevention, Management and Resolution (MCMPR).

The OAU has been in existence for 38 years. Through the years, it has made genuine contributions on the continent, especially in bringing to an end the anti-colonial struggles of the 1960s. Understandably, it has had its setbacks, especially in terms of fostering peace and security, as well as the integration of African economies. However, credit must be given to the OAU for the key role it played in ending colonialism and apartheid. Indeed, the establishment of the OAU was a historic moment for Africa, particularly since it came about during a period of unrest. At that time, it was believed that any future obstacles on the continent would be targeted and removed through the unification of Africa's people. It was this positive outlook that enabled the continent's leaders to solve some of the conflicts of that time - conflicts that now seem unsolvable. It could be argued that Pan-Africanism, at the time, was the driving force behind the success of the OAU.

Today, many feel the need for change. The need for change should not be interpreted as a failure on the part of the OAU. Rather, the new realities that we now face in the aftermath of the Cold War, have revealed that the original mission of the OAU - that of liberation - has been fulfilled. However, conflict containment remains a formidable challenge. The OAU's current framework for crisis management does not adequately address the complex crises we are faced with today. Non-interference in the internal affairs of African states (as indicated in the charter), together with absolute sovereignty, are merely academic ideals - they are not realistic for the times we live in. With the birth of the African Union (AU), we are seeing a new structure being created to carry on addressing the current needs of Africa's people. It is hoped that this will bring about a qualitatively higher degree of political cooperation, economic integration and social cohesion, by filling in the gaps and tackling issues from a central focus point.

The OAU was created by way of a recommendation within the Abuja Treaty. Its creation was recommended because the integration process envisaged in the African Economic Community (AEC) Treaty was moving too slowly. The Abuja Treaty - established in June 1991 by OAU member states - wished to create the AEC 'in order to foster the economic, social and cultural integration' of the continent. It is hoped that the union will bring with it higher social cohesion, economic integration and

political cooperation. In turn, it is hoped that these changes will unify Africa's people in order that they may face the challenges posed by globalisation. The heads of state and government of the OAU have felt a need for things to move faster towards greater cohesion, cooperation and integration, especially concerning issues that are gravely affecting the continent.

With the current restructuring process, the pertinent question is: what institutional structures will exist within the union for conflict prevention, management and resolution?

The OAU conflict mechanism was an arrangement that the OAU took over from the Ad-hoc Commissions. It was established in 1993, and was geared towards preventing tense situations from erupting into violence. It also had peace-making and peacebuilding functions. With both interstate and intra-state conflicts ravaging the continent, what is needed most is a mechanism to ensure the management of conflicts which would, in turn, ensure durable peace, security and development.

This mechanism would be expected to respond effectively and speedily to conflict situations throughout the continent. The success of this mechanism would not only be determined by how many conflicts it resolved, but also by the organisation and synergy within its structure, as well as how much time, effort and energy was exerted in terms of trying to handle the conflicts. This mechanism appears to be a better-planned one, especially compared to the previous structures that were in place prior to 1993. For example, the Commission of Mediation, Conciliation and Arbitration, which only addressed interstate conflicts.

Some believe that there has been a lack of civil and grassroots involvement within the OAU. The establishment of the AU is designed to increase the sense of civil society involvement. A more 'inward looking' approach, in terms of alliance and consensus-building among all of Africa's people, is what is needed on the continent today.

The AU and the organs within it?

The Abuja Treaty was endorsed in September 1999, when it was decided by the OAU member states to form the AU and a Pan African Parliament (PAP). The creation of the AU was not a new idea. The founding fathers of the OAU envisioned a continent united in solidarity and they set out to pave the way by laying down the foundation for this vision. Given the conflicts ravaging the continent today, it is clear that economic development cannot

endure. A gap continues to exist between the nature of conflicts - which are becoming more vicious and complex - and Africa's capacity to manage these conflicts.

At the fourth Extraordinary OAU summit, African leaders took a step towards unity by building an alliance between civil society and government. A declaration, pertaining to the creation of the AU, was formulated - it is based on the OAU charter and the treaty that established the AEC. In July 2000, during the 36th OAU summit in Togo, the Constitutive Act of the AU was adopted. It has been ratified by the required two-thirds majority of member states. What is left, at this stage, is for the Constitutive Act to be implemented, which is scheduled to take place in July 2001, in Lusaka - this event will proclaim the birth of the AU. The Constitutive Act will replace the OAU charter within a transitional period of one year. It should also be noted that the ratification of the Constitutive Act has set a record of its own - it is the first OAU instrument to be ratified by member states, and entered into force, within such a short period of time.

It is envisioned that the AU will tackle the challenges facing the continent by way of mobilising the masses, and by using the continent's resources to improve the current conditions. The structures within the AU - namely, the PAP - have been constructed so as to achieve a qualitatively higher degree of unity and solidarity on the continent. It hopes to achieve this by defending the sov-

ereignty and independence of its member states. Also, it is calling for the equal participation of all, particularly women and members of civil society.

The structures created within the AU will consist of the following institutions or organs: the Assembly; the Executive Council; the Pan-African Parliament; the Court of Justice; the Commission; the Permanent Representatives Committee; Specialised Technical Committees; and the Economic, Social and Cultural Council.

Conflicts have permeated the lives of Africa's people for generations and they should be put at the centre stage of the AU. Conflicts in one country tend to spread to neighbouring countries, affecting sub-regional solidarity which, in turn, undermines continental progress. African states are poorly prepared to manage these conflicts. Structures for the management of these conflicts are either non-existent, inadequate or lack the required material and logistical resources. One of the union's aims is to take control of these conflicts by working together within the structures established, in order to come up with viable solutions to the problems relating to peace, security and stability in Africa.

The transition process will be carried out in two phases: the first one being the consultative status phase. It will commence in January 2002, and will include five members from each 53-member states. It will draw up strategies for dealing with the integration process. The second phase will be direct election, which will come into force five years after 2002. This process will involve PAP members

The opening ceremony of the extraordinary session of the heads of member states of the Orginisation of African Unity (OAU) in MArch 2001. The Summit considered the AU which was adopted by the 36th OAU summit in July 2000

being directly elected. It will call for the participation of civil society, and will emphasise the need for at least one member of the team to be a woman. Elections will take place during each parliamentary member's last year of office.

PAP and MCPMR

The AU Treaty will come into force in Lusaka in July 2001. The process of transition will begin at this time. The OAU institutions will take one year to dissolve. There will be many activities during the transitional period. For example, the transfer of assets and liabilities; launching the organs; drafting rules of procedure; determining the structure and functions of the commission (replacement of secretariat); reorienting the budget and programmes; and so on. Many more questions are yet to be answered. For example, are the logos, flags and emblems to remain the same? What is to be done with regard to the popularisation of the AU? What will be the venue for the PAP?

One of the most important organs of the union is the PAP. The PAP may be viewed as the political arm of the union. It is the operational arm, which ensures that the implementation of decisions agreed upon by the two-thirds majority in parliament, is carried out by the secretariat. The parliament is the unit that will work towards the economic, political and social integration of the continent. The PAP shall represent all of Africa's people. Member states agreed that representation within the PAP would consist of five elected

nationals from each member state. It was further agreed that each team of five would consist of at least one female. These representatives shall be voted in by their respective countries, in line with the electoral laws within their state. Among other things, the PAP's role will be to strengthen civil society's participation by giving them a voice when it comes to decision-making.

The main concern has been the status of the current MCPMR, and what its equivalent will be once the AU has been formed - although this is not fully reflected in the Constitutive Act.

The 'OAU Peace Fund' was established in order to provide the financial resources needed to support the OAU's conflict management operations. In general, the mechanism will remain the same, and will continue to receive funding from multilateral organisations. A few developments within the mechanism include the establishment of an Early Warning System in 1995, and a Conflict Management Centre in 1998. Its successes include mediating peace in the Congo (Brazzaville) in 1993; the deployment of an observer mission to Rwanda in 1994; and assisting in the restoration of peace and mutual confidence between the opposition and government in the Comoros. However ineffective this mechanism may seem to be, compared to mechanisms in the past, it is far more active in preventing, managing and resolving conflicts.

On the other hand, some critics of the mechanism have alleged that it has failed to provide a speedy response to some conflict situations in the

Girls majorettes go through their paces before the start of the annual Orginisation of African Unity summit in Togo July 10 2000 under the watchful gaze of African leaders depicted on billboards. The slogan reads "Long life for the OAU heads of state." The 2000 OAU summit adopted the AU project

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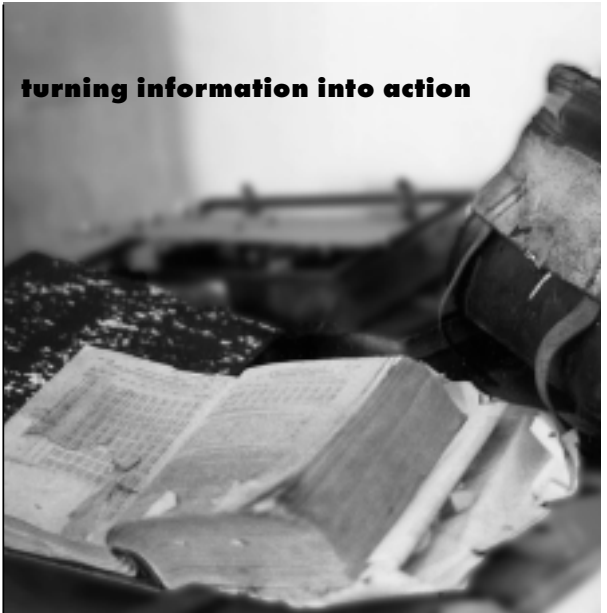
past. Its foundation has been set well. However, its ability to act accordingly needs to be re-examined. The principle of 'non-interference in the internal affairs of states', as well as that of 'absolute sovereignty', need to be revisited.

It is envisaged that the MCPMR will continue to exist within the AU. However, it will be expanded in order to encourage more civil society involvement. We have already seen this take shape during the recent conference on building partnerships between the OAU and the civil society (the conference took place in June 2001).

Africa cannot improve its development within the conflict environment that we are seeing today. Consequently, a mechanism is needed to effectively handle conflicts by creating an atmosphere viable enough for better growth and development. Thus, a grassroots-based framework, that focuses on the important areas of conflict prevention, management and resolution, is an absolute requirement if peace and security are to prevail on the continent.

Conclusion

All in all, the road towards greater cohesion, integration and security is not an easy one, but a long journey must always begin with one step. The issues we are facing are complex, and if they are not handled in the correct way, they may bring further complications. For Africa to remain relevant during the twenty-first century, it is important that we include everyone in our struggle for peace, security, stability and economic development.

Furthermore, the Constitutive Act must be concretised in order to fully address the questions of peace and security. The AU will not go far without recognising sovereignty; by moving away from its rigid and absolute sovereignty to responsible sovereignty, which in this context means government commitment to the protection of the rights of all its citizens. Governments, however powerful, cannot carry the burden of solving conflicts alone - it is essential that civil society participate in this process, too. Everyone needs to be called on to play his or her role. What shape the union will take, is yet to be seen. However, one thing is certain - there are enough problems for it to tackle.

Endnotes

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turning information into action

Ongoing monitoring of all conflict situations across Africa is undertaken on a daily basis to generate ACCORD's Conflict Watch and Renaissance Barometer reports. Indepth situation reports are also complied in response to the requirements of ACCORD's directorate. The Preventative Action Programme analyses the information gathered on each of the SADC countries on monthly basis as part of ACCORD's conflict update series. These country reports cover conflict indicators and occurrences in the region and serve as a basis for developing intervention strategies.

Taking Preventive Action

A look at the water-related border disagreement between South Africa and Namibia.

WATER DISPUTES

BY RICHARD MEISSNER

drawing the
line

The water wars debate has been raging within the academic and diplomatic world for about 16 years. Many scholars and practitioners are convinced that water will, in the future, lead to violent conflict in many parts of the world. Regions that are pronounced to develop 'water wars' include the Middle East and southern Africa. These two regions form part of some of the driest places on the face of the earth, with much of the Middle East being desert or semi-desert. In southern Africa, the Namib desert is one of the most inhospitable places. Many of the countries in these regions are also classified as water stress or water scarce, with Namibia being the driest country in southern Africa, followed by Botswana and South Africa.

Compounding the situation are a number of factors which could lead to more water being used by these countries. These factors include population growth; urbanisation; and the most controversial of all, global climate change. These mercurial elements in the management of water - especially the water resources found in international river basins - have led many academics and diplomats to believe that water wars are imminent.

Yet, one factor which is sometimes not worked into the equation, can turn the water war debate around and give an indication of the level and intensity of cooperation when it comes to the management and sharing of international water courses. This factor entails the foreign relations between states.

Consequently, the purpose of this essay is to shed some light on the water wars debate. This will be done by studying the Orange River, and by analysing the current border disagreement between Namibia and South Africa, *vis-a-vis* the foreign relations between the two states. Water is only one

of a number of elements in the foreign policy of states. Other aspects include trade, disease control, crime and disaster relief, to name but a few. It is, therefore, important that scholars and practitioners who are engaged in the water wars debate, include the overall foreign relations between conflicting states sharing international river basins.

What is the nature of the disagreement between Namibia and South Africa? The Orange River border disagreement has been on the cards now since 1990. During the run-up to Namibia's independence, it was agreed that the border between the two countries would be changed from the northern bank to the middle of the river. Nonetheless, for the past 11 years, this change has not yet been incorporated, although Namibia's constitution emphatically states that the border should be in the middle of the river. This stance is contained in Article 1 (4) of Namibia's constitution, which states that:

> 'The national territory of Namibia shall consist of the whole territory recognised by the international community through the organs of the United Nations as Namibia, including the enclave, harbour and port of Walvis Bay, as well as the offshore islands of Namibia, and its southern boundary shall extent to the middle of the Orange River.'

This is the view and legal institution that stipulates Namibia's border with South Africa, as well as the rest of the international community as a whole. After 1994, when the African National Congress (ANC) took power in South Africa, there was a 'gentleman's agreement' that the border would be regarded as being in the middle of the river. However, no formal agreement has been reached between the two states regarding the matter.

South Africa, on the other hand, takes the position that the border has already been established. This is contained in an agreement, signed in Berlin between Britain and Germany, on 1 July 1890. The agreement states that:

> 'In South-west Africa, the sphere in which the exercise of influence is reserved to Germany is bounded - to the south by a line commencing at the mouth of the Orange River and ascending the north bank of that river to the point of its intersection by 20th degree of east longitude.'

Although more than 110 years old, this is an additional legal principle that defines the border

between the two countries, and one which is upheld by South Africa as the most legal principle defining the frontier. For instance, during the first round of negotiations between the former National Party government of South Africa and Namibia on 14 March 1991, South Africa took the stance of the 1 July 1890 agreement between Britain and Germany. Nonetheless, during the second round of negotiations, the two countries agreed that the middle of the river, or the *thalweg*, should define the border between the two countries. A Joint Technical Commission (JTC) was appointed to investigate the border's stipulation. The JTC produced a conceptual agreement and presented it to the two states. The only outstanding matter was the border's stipulation, which was, in effect, a technical matter to be resolved. Both states agreed to the conceptual agreement. In effect, a gentleman's agreement existed between the two states, although Namibia did not indicate its stance on the agreement at that time. It seems, therefore, that the previous government of South Africa and Namibia had laid down the border's specifications.

In early 2001, the South African government informed Namibia that the colonial borders of Africa should not be tampered with. This stance was in line with the obligations set forth by the Organisation of African Unity (OAU). According to South Africa, the boundary was set and could not be changed. South Africa upholds the principle of *uti possidetis* with respect to African pre-colonial borders, as set out by the OAU in a resolution adopted in July 1964. This resolution states that existing borders are 'set in stone' and cannot be changed. In the resolution's preamble, the view maintained was that the borders of African states, on the day of their independence, 'constituted a tangible reality' and that border problems 'constituted a grave and permanent factor of dissension'. In addition, South Africa stated that if the border between the two countries should be changed, it could create a dangerous precedent with respect to land claims from other neighbouring states, most notably Lesotho.

This announcement by South Africa came as a big surprise to Namibia. In fact, according to the Namibian foreign affairs minister, Theo Ben Guirrab, a number of formal agreements had been reached with South Africa, and negotiating teams from both sides had held discussions on the Orange River border issue.

Consequently, it is a difference of opinion between South Africa and Namibia, that is driving

the border issue. For South Africa, the OAU charter is the policy instrument by which the matter should be resolved. For Namibia, the national constitution is the only way to go about negotiating a resolution. This can give a clear indication of how countries are influenced by national, as well as international, principles and obligations with regard to how they conduct their foreign affairs. Both states are, it seems, arguing from a national interest stance, with one trying to gain territorial integrity, and the other wanting to protect its integrity.

Namibia has a number of interests with respect to the waters of the Orange River. It is currently looking at the feasibility of constructing a new dam in the lower part of the Orange River in order to ensure a more sustainable and stable water supply for irrigation needs. One of the most promising and lucrative prospects for harnessing the waters of the river is the production of dates. Plans are underway to start the development and production of dates not only in the Orange River vicinity, but also in other parts of southern Namibia. A new dam on the Orange River could have a positive impact on the production of this foodstuff. Namibia is particularly targeting the export market, with destinations as far as Europe and the Middle East. On the European market, a kilogram of dates could fetch between R30 to R60, with 10,000 tons expected to be exported to this region alone. Consequently, it is imperative for Namibia to resolve the border issue, for if an agreement is not reached, the foreign date markets may dry up. Yet, according to the South African government, the border issue will not impact negatively on Namibia's utilisation of the river's waters, as South Africa would not complain about such use.

For South Africa, the Orange River mouth holds lucrative mineral prospects, especially diamonds. The offshore diamond concessions are directly involved in the disagreement. The reason for this, is that if the border between South Africa and Namibia cannot be secured, the 200 nautical mile sea boundary is also not defined. This can have an impact on the exploitation of marine resources by the two states. Both states have, therefore, not only incompatible national and international principles to uphold, but interests in the resources, directly and indirectly proportional to the Orange River, could also play a role.

What is the nature and extent of the foreign relations between these two neighbours? The foreign relations between the present governments dates back to the regional apartheid policy of the previous National Party (NP) governments of South Africa. During South Africa's involvement in the Angola civil war, and the colonisation of Namibia, the ANC and the South West African People's Organisation (SWAPO) were like 'brothers in arms'. This relationship was fostered after Namibia gained independence and the ANC was elected in 1994. Consequently, it is assumed that the good relations between the two organisations was carried over when both became separate rulers of the two states.

Also, at a grassroots level, there is considerable cooperation between the citizens of the two countries *a* the utilisation of the Orange River. At *Viooolsdrif*, for instance, water is used by farmers on both sides of the river for irrigation purposes. This utilisation is done in a spirit of good neighbourli-

ness, and the sharing of water is done on the basis of an agreement between the two countries.

Another point to consider in the relations between South Africa and Namibia is the fact that both countries are members of the Southern African Customs Union (SACU). This functional, economic organisation is paramount when it comes to the economic and trade arrangements between the two states. For instance, with Namibia's plans to produce and export dates to foreign markets, South Africa can become a lucrative market, which could be facilitated by the SACU.

One of the issues that has, however, put a damper on the relations between South Africa and Namibia, is the civil war in the Democratic Republic of Congo (DRC), and Namibia's subsequent foreign engagement in that conflict. Namibia has committed troops to the DRC conflict to support the Kabila government against rebels from Burundi and Uganda. South Africa, on the other hand, is working hard at bringing an end to the war through peaceful means. In its efforts to stop the conflict, South Africa, as well as other countries in the region, has committed much diplomatic energy to encourage other countries - including Namibia - to remove their troops from the DRC. A substantial level of human resources has also be poured into the conflict, in the form of peacekeeping troops from South Africa and other countries, under the auspices of the United Nations (UN). With Namibia committing troops to the DRC, and South Africa committed to troop withdrawals and an end to the civil war, some tension has been created because of incompatible stances with regard to the DRC issue.

Yet, it seems as if the recent contact between UNITA and the MPLA - along with peacekeeping troops to the DRC - could bring about a shift in the DRC conflict, with a realignment of support from foreign countries. Southern Africa realpolitik should be understood within the context of alliance politics between countries in the SADC region. With Namibia supporting the MPLA - which also supports Kabila's efforts in the DRC - and UNITA covertly supporting the rebels, a future truce between the warring factions in Angola could have a positive impact on foreign relations between countries in southern Africa. This could also spillover into other areas of contention, and may impact positively on the low level strain between South Africa and Namibia with respect to the DRC conflict. In turn, this may open doors for closer relations on the issue of the Orange River border.

It seems as if a water war, in the traditional sense of states going to war over water, is unlikely to occur between South Africa and Namibia *vis-a-vis* the Orange River. An Orange/Senqu River Commission was recently established between the four riparian states in the Orange River basin - Botswana, Lesotho, Namibia and South Africa. This has the potential of bringing South Africa and Namibia closer to an agreement on the border issues. Other factors that could have a positive influence on closer cooperation include the grass-roots contact between irrigation farmers in the lower Orange River, the economic cooperation between the two states via the SACU, and the recent cooperative endeavours between the MPLA and UNITA. Also, the recent developments regarding the DRC conflict, especially the involvement of peacekeeping troops from South Africa, could also have a positive impact on the border issue. Consequently, it seems the Orange River border issue is more a case of enhancing territorial integrity, and the securing thereof by the two parties, than it is of utilising water resources.

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