# EDITORIAL

BY HUSSEIN SOLOMON

**A**s the bullet-riddled corpse of UNITA rebel leader Jonas Savimbi was put on display for the world's media to view, euphoria gripped the Angolan capital. To the jubilating crowds in Luanda, Savimbi's death signaled the end of one of the world's longest-running civil wars. In the days that followed the announcement of Savimbi's death, this optimistic mood proved contagious, with several of the world's leading politicians and political pundits suggesting that peace was finally possible in war-ravaged Angola.

Whilst there is room for optimism, this needs to be tempered with caution. Optimism stems from two main sources. Firstly, the Angolan civil war was as much about the issues that kept UNITA and the MPLA government apart, as it was about the personalities of the two main protagonists: Jonas Savimbi and Eduardo Dos Santos. With Savimbi's death, it is hoped that both parties will come to the negotiating table to chart the future of their country, and partake in discussions that would be issue-driven, as opposed to personality-driven. Secondly, optimism stems from the fact that the ruling MPLA has announced a ceasefire, and seems serious about engaging in constructive dialogue with UNITA's leadership. This latter aspect needs to be supported by the international community in general, and by the Troika - consisting of the United States, the Russian Federation and Portugal – in particular.

However, caution stems from the legacy of almost four decades of war. After years of hostilities, trust needs to be rebuilt between the parties. This trust necessitates that the political and judicial institutions may need to be re-structured, so that all may become part of a new, post-conflict Angola, and that all may have faith in its institutions. It is important to recognise that this reconfiguration must not simply be for the sake of the chief protagonists in this unfolding Angolan tragedy - it must be for all formations of Angolan society, including the broader civil society. Here, too, there is a need for the international community to provide both technical expertise and financial support aimed at assisting Angolans to arrive at a sustainable peace.

This legacy of war has also adversely impacted on the lives of all Angolans. However, it is most graphically witnessed among the most vulnerable sectors of society: the women and children. According to the United Nations (UN), one in every three Angolan children die before the age of five; one mother in every 50 die while giving birth; 42% of all Angolan children are underweight for their age; and less than half go to school. It is hoped that with the end of the war, resources that were directed towards the purchase of arms could be spent on the socio-economic upliftment of Angola's long-suffering people. However, given the scale of the crisis, this may not be enough. Consequently, it is imperative that the international community assist Angola in fighting the real war on poverty, malnutrition, disease, illiteracy and want. In so doing, we all assert our collective humanity. ◼

# TRENDS
## in peacekeeping

## EAST AFRICA

Efforts to facilitate lasting peace in the border dispute between Ethiopia and Eritrea is bearing fruit, as all reports indicate considerable improvement in the relations between the two countries. During the first two months of this year, the two countries reportedly intensified their cooperation with regard to observing the peace agreement. The fact that both parties are willing to negotiate with the United Nations (UN), and the fact that they perceive the UN as a legitimate facilitator, indicate their willingness to cooperate in order to end the conflict. Relations have also improved (at the local and non-governmental levels) between citizens of the respective countries. Promoting cross-border contact at a local level has assisted the rebuilding of community relations. During February, for example, religious leaders from the two countries were welcomed in each other's capitals for meetings aimed at promoting peace. The religious leaders had already held six peace meetings in Europe, the USA and Kenya, and reports

Ethiopian troops pulled out of Eritrea a year ago in compliance ith a peace accord that ended two years of war between the Horn of Africa states.

A Movement for Democratic Change (MDC) polling agent awaits intructions before being deployed to rural polling station in Harare. Behind him are the SADC observers

indicate that the visits have created a sense of optimism with regard to the peace process. According to one report, the meetings focussed on peace and reconciliation, and many diplomats, international agencies and local non-governmental organisations (NGOs) congregated to listen to the various religious leaders.

In order to further bolster cooperation, the UN Security Council (UNSC) dispatched a delegation to the area in order to evaluate any progress being made, as well as to fulfil any specific requirements that would encourage further engagement. The level of political commitment, from the highest offices of both countries, impressed the delegation. Both parties have agreed that a decision by the Boundary Commission is final and binding. The UN report on the mission states that 'the commitments of both parties in this regard represent a pivotal measure of their dedication to the peace process'. This positive impression has been reinforced by reports from UN-deployed structures on the ground, portraying some measure of normalisation in both diplomatic circles, as well as among the general citizenry of both countries. For example, steps have been taken to release and return all prisoners of war and civilian detainees under the International Committee of the Red Cross

(ICRC). Increased local cooperation has resulted in improved efforts at reconciliation between the two countries and their people. The reintegration of refugees and internally displaced people, as well as the demobilising of soldiers, have created a sense of optimism for the local inhabitants. There has also been close cooperation between the UN and local humanitarian agencies within the two countries.

Another positive aspect of the mission is the emphasis placed on resolving the disputes through the use of functional mechanisms, such as the Military Cooperation Commission. In order to facilitate implementation, the UN suggested strengthening the commission by, for example, establishing sector-level committees. Reports from the responsible UN agencies reveal that the parties are working within such structures in order to interact and resolve stipulated issues. As such, there is successful observation of the Temporary Security Zone, not withstanding skirmishes here and there. Another reason for optimism is the overall approach that the resolution of this conflict is taking, with the parties setting up structures to specifically tackle socio-economic issues - such as returning refugees and internally displaced people - through such efforts as Social

Rehabilitation and Development Funds, as well as others. International support has also been forthcoming by way of offering assistance or funding to holistically address problems facing the two countries - for example, by assisting in de-mining and confidence-building.

# SOUTHERN AFRICA

As a response to the elections in Zimbabwe, the Southern African Development Community (SADC) deployed an observer mission to Zimbabwe through its Parliamentary Forum. There were 57 observers involved in the election observation process. Over and above this, the South African government secured an invitation for its own observer mission, which included observers from a wide range of interests, such as labour, business, the religious and farming sectors, women's groups and NGOs. The South African observer mission's mandate included pre-election checks, such as voter education; accessibility to the media; freedom of speech; conduct of security forces; and equality in arrangements between urban and rural areas. Election-day checks included opening and accessibility of polling stations; free movement of people; and the availability of party agents, ballot papers and the voters' roll. The thinking - which reveals a positive trend worth applauding - is that there is a need to lend material and human resource assistance to the political processes in neighbouring countries.

# WEST AFRICA

Overall, there are positive trends in the UN mission to Sierra Leone, with great progress being made towards bringing stability to the region. There has been great progress in the efforts to disarm, demobilise and reintegrate former combatants from the main rebel movement, regardless of expected and inevitable pockets of resistance. Humanitarian relief efforts for refugees who are returning from neighbouring countries has also improved. About 250,000 people fled to Guinea and Liberia at the beginning of the conflict. By the end of 2000, there were approximately one million people internally displaced in Sierra Leone. The number of people receiving international assistance in the camps rose to 350,000 by the end of 2000. The UN High Commission for Refugees (UNHCR) has provided assistance since 2000, apparently in preparation for the organised repa-

triation of refugees. In November 2000, the UNHCR opened an office in Lungi, and has since expanded community-based assistance for refugees. Local Lungi humanitarian agencies are involved in supplying plastic sheeting and nails in order to provide temporary housing for returning refugees. The UNHCR has also opened an office in Freetown, and has identified other resettlement areas with the assistance of local agencies in Port Loko, Moyamba, Bo and Pejehun. Local relief agencies have lacked the capacity to respond to the massive refugee return. However, under the guidance and cooperation of the UNHCR, they have been able to return thousands of refugees to their homes. After the UN announced that its programme to disarm combatants was complete, humanitarian aid workers and government officials have braced themselves for a possible large-scale return of tens of thousands of refugees during the first half of 2002. This has raised concern among aid workers that many of the 300,000 refugees living in neighbouring countries may suddenly decide to repatriate, before they are fully ready to accommodate them - this has resulted in greater reliance on the UNHCR for knowledge and technical assistance. Another commendable development from this conflict's resolution effort is the higher level of cooperation and coordination with other role players - a case in point are the efforts of the International Organisation on Migration, which has been involved in the key area of refugee settlement.

With regard to the challenge of addressing the question of impunity, there has been definitive moves towards the Special War Tribunal - a UN planning team visited the country to make operational arrangements in this regard. This is a positive step aimed at ensuring the international community facilitates the proper supplement efforts in order to provide a lasting political and humanitarian response (through a legal framework) when dealing with perpetrators.

Many aspects of this mission still need to be evaluated before a true reflection of any further requirements can be established. The mission's mandate expired in March.

Also from West Africa, countries in the region are rapidly moving towards providing a cogent response to issues of humanitarian relief and assistance, with Burkina Faso, Mali and Niger agreeing to set up a brigade mandated to work in this particular area. According to reports, this brigade (and its components) has the responsibil-

GEORGES GOBET/AFP

Two Sierra Leonean children eat on the floor in a Red Cross camp for displaced people in Loungi, southern Sierra Leone, before leaving in a Red Cross convoy taking them back to their northern villages

ity of providing humanitarian aid in the form of food, health and emergency relief within the three aforementioned countries. This is a positive trend that must be interpreted and viewed in light of the fact that African countries are seeking greater operational cooperation when addressing the pressing challenges that face them both individually and collectively.

## NORTH AFRICA

The involvement of the UN in the dispute over the territory of Western Sahara continues, regardless of the conflict itself, and shows no signs of reaching a meaningful resolution. The UNSC reports that the secretary-general's special representative has been very involved in his efforts to engage the parties for further talks in order to resolve the conflict. Overall, the work of the UN continues - albeit under a fog as far as a resolution is concerned - to concentrate on addressing the refugee problem, dealing with the issue of prisoners of war, and monitoring the ceasefire. Contrary to the views of the Organisation of African Unity (OAU) - which is also involved in this conflict - support for a referendum in Western Sahara is forthcoming.

## CENTRAL AFRICA

The international community still awaits consensus from the key role player in Burundi, regarding the form of assistance envisaged to support the peace process in that country. The interim government in Burundi remains intact, despite predicted chaos due to non-participation in the operationalisation of the Arusha Agreement. Efforts are underway to find common ground between the government and rebels in order to make the transition a success. The UN secretary-general's special envoy for the Great Lakes, Ambassador Dinka, is engaging key players, with the welcome assistance of other African leaders.

The mission to the Democratic Republic of Congo (DRC) continues to be of global and regional interest, specifically with regard to the performance of the UN Mission Organisation in the DRC. During the first two months of the year, the office of the facilitator, former president of Botswana, Sir Ketumile Masire, spent considerable time preparing for the Inter-Congolese Dialogue (ICD). The talks are of great importance to the peace process - amongst other things, they will chart the way forward for international sup-

port within the areas of peace and stability.

The humanitarian situation in the DRC has been described as one of the world's worst crises. It is estimated that more than 300,000 people fled into neighbouring countries; more than 2 million are internally displaced people (IDPs); and approximately 16 million (33%) of the remaining population are vulnerable.

Accurate statistics of DRC citizens needing humanitarian aid are difficult to obtain, due to the insecurity of some of the places where displaced people are living. However, the UN continues to be engaged, and estimates the number of internally displaced people at about 2 million - approximately 16 million people are considered to be vulnerable. Several humanitarian organisations have been providing assistance to war-ravaged people in the eastern part of the country. However, their programmes have been hampered by poor funding. Thankfully, the Christian Aid (CA) and Church of Christ in Congo (ECC) have promised to provide humanitarian assistance in South Kivu and Maniema, while the Bureau Oecumenique d'Appui Development (BOAD) has promised to assist in North Kivu. The Lutheran World Federation/World Service (LWF/WS) and the ECC have pledged to assist in Kisangani. Areas that require assistance include food security; health care and nutrition; shelter; non-food items; capacity-building for local partners; and peace and reconciliation.

In addition, the UNHCR and MONUC have jointly separated more than 1,000 former combatants (and their families) from the larger civilian refugee population - they have been transferred to a new location. These efforts are essential in order to preserve the civilian nature of refugee camps, and to ensure the safety and security of refugees and surrounding host populations.

Some 5,000 family parcels (which included cooking utensils, blankets, buckets, water containers, soap, spades, sugar, salt and clothing) were distributed by the ICRC during February. A total of 4,800 families (almost 25,000 persons) in Bokungu, Mondombe and Yalusaka were the recipients of the parcels. All three towns are in the isolated Tshuapa district of Equateur Province.

Besides the need for humanitarian aid due to the ongoing conflict, there is an increased need for aid due to the recent volcano eruption. Christian relief and development agency, Tearfund, has given Food for the Hungry (FHI) a grant of £100,000 in order to provide further emergency food and aid for people who were displaced by the Congo volcanic eruption, which took place on 17 January 2002. FHI is one of the few aid organisations that have remained in the DRC since the Rwanda genocide in 1994 - they possess both the personnel and local knowledge which enabled them to quickly respond to the recent disaster. The grant from Tearfund will provide up to 6,000 Goma refugees with basic food, household items, and a disease prevention and health programme for three months.

FHI-Congo have a long-term programme in place to ease the transition from relief to rehabilitation. They hope to enlarge the current rehabilitation projects in light of the recent tragedy. Other partner organisations contributing to FHI aid efforts include the Christian Reformed World Relief Committee (CRWRC), World Concern and Stop the Hunger Now. FHI is also working closely with other NGOs in the Goma area, including MSF, World Relief, IRC and Oxfam UK, as well as agencies associated with the UN.

## CONCLUSION

In conclusion, the variety of positive developments highlight the realisation of intense efforts to address conflicts. The positive trends exist side-by-side with a number of failures, which must be tracked and investigated. What must be emphasised is how these responses - successful or otherwise - could lead to better collective conceptualisation and implementation in the future. There appears to be enormous efforts to resolve conflicts on the African continent. However, without an acceptable measure of central coordination, these initiatives will have limited success. The challenge, therefore, is how to address the need for central coordination. In an era of greater integration due to the African Union, are we satisfied with the capacity of our sub-regional organisations to undertake resolution interventions? Are these reflective of a truly collective intention? Within the same line of question, how much are we learning about the value of conflict from our resolution efforts? How relevant would our response be - in terms of capacity and readiness - to undertake conflict prevention, peacekeeping and peace-building initiatives in order to respond to conflict? The aforementioned trends provide a variety of outcomes, indicating some capacity to provide the required responses, regardless of pessimism.

# TRENDS
## in constitutional and political developments

## EASTERN AFRICA: FOCUS ON KENYA

The constitutional reform process in Kenya has dominated constitutional developments in eastern Africa. The country's Constitution Review is expected to be ready by June. Head of the Constitution of Kenya Review Commission (CKRC), Professor Yash Pal Ghai and his team have embarked on a public sensitisation exercise, which has involved visiting all Kenya's constituencies in order to gather the views of citizens regarding the constitution. The commission's own documentation indicates that this process will be completed within a few weeks, and will add to an already large amount of information in the form of taped submissions, written memoranda and a host of other compilations collected by the CKRC. Professor Ghai is credited for having merged two rival initiatives, namely the Peoples Constitutional Review (popularly referred to as Ufungamano) and the Parliamentary Review Process, which was perceived to have been under the influence of the ruling Kenyan African National Union (KANU). The process continues at a time when political parties have started to position themselves for the next general elections, which should be held no later than January 2003. The alliances and counter-alliances which are starting to emerge are likely to impact on the constitutional review process.

Some opposition parties allege that party functionaries within the ruling KANU want to delay the process in order to justify an extension of the life of parliament and the current presidency. Others within the opposition would like parliament to be dissolved as soon as possible, perhaps after the reading of the budget in June.

Those who subscribe to this position are calling for a series of 'minimum reforms' to be undertaken immediately preceding a general election, instead of more comprehensive constitutional reforms. The National Development Party (NDP) is said to favour this position. On the other hand, the Democratic Party (DP) argues that it is important to address the electoral process issue alongside discussions on constitutional reform. It feels that some of the issues that need to be addressed include the number of constituencies; the registration of voters; the Electoral Commission of Kenya (commissioner's terms expire in October); and so on. Other leaders within the NDP, as well as the younger section of KANU (popularly known as the 'young Turks'), are in favour of a totally new government structure, complete with several vice-presidents, prime ministers of different categories, and so on. Unanimity between the DP and NDP positions (as well as elements in KANU, who want a more dispersed power structure) appear to be emerging.

What has become clear is that as the elections draw closer, the response of politicians to the

SIMON MAINA/AFP

CKRC findings will be predicated in their own pre-election political strategies and tactics. Already, the prevailing mood on both sides of the national assembly is that the process cannot be completed on time. Consequently, minimum reforms have been called for in order to facilitate the holding of free and fair elections. It is also clear that MPs would prefer it if the minimum reforms were agreed upon via inter-party consultations, rather than the national participatory approach that the CKRC is mandated to carry out. This position is one of the reasons which explains the divergence of the two rival initiatives.

# SOUTHERN AFRICA: FOCUS ON ZAMBIA

Constitutional developments within the region were dominated by the parliamentary stand-off and near constitutional crisis in Zambia.

For the first time in the country's history, the parliament is being dominated by opposition parties, which collectively won 50.84% of the vote in the December 2001 elections. The ruling Movement for Multi-Party Democracy (MMD) only secured 29.16% of the votes.

Opposition parties, determined to select one of their own to the post of speaker, alleged that the ruling MMD had attempted to rig the selection process by insisting on holding a secret ballot - an action that would be contrary to the stipulations of the Zambian constitution. Several reasons were given for this move, one of which was that the MMD had allegedly bribed some opposition members to vote for their candidate - thus explaining their desire to hold a secret ballot. The opposition reacted angrily, with some members proposing that the national budget be rejected. If the opposition blocks the budget three times, the president will be obliged to dissolve parliament and call for new elections. In a related development, opposi-

Supporters of the national ruling party KANU (Kenya Africa National Union) celebrate after the opposition National Development Party dissolved itself to join KANU

YOAV LEMMER/AFP

Zambian opposition party supporters protested outside Zambia's Supreme Court, demanding fresh elections because of allegations that recent polls were rigged

tion parties boycotted the reconciliatory talks that were called for by the MMD in order to resolve the impasse that had been created during the selection process. The talks were also aimed at reaching an agreement on common strategies aimed at countering a growing economic crisis. Key issues on the agenda included the political impasse which had resulted from the election (which the opposition alleges was rigged); a crisis in the mining industry; and a severe grain shortage.

The seven parties - the United Party for National Development (UPND); the Forum for Democracy and Development (FDD); the United National Independence Party (UNIP); the Heritage Party; the National Citizens Coalition; the Zambia Republican Party; and the Patriotic Front - said in a joint statement that they would not negotiate with the government until consensus had been reached regarding the ground rules.

Relations between the ruling MMD and the opposition worsened after the elections, amid allegations that the ruling party had rigged the polls. Three opposition leaders - UPND's Anderson Mazoka; the FDD's Christon Tembo; and the Heritage Party's Godfrey Miyanda - have separately filed electoral petitions against the results of the presidential poll. Opposition parties

also plan to weaken the government's position by bloc voting in order to frustrate its programmes in the national assembly.

# WESTERN AFRICA: GENERAL PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

At a referendum on 11 November 2001, 98% of voters in Guinea supported the amendment to the constitution, while 1.64% voted against the change. The participation rate reported by the government was 87%, while opposition sources estimated voter turnout at less than 20%. Of the six articles submitted to the vote, articles 24 and 89 were the most controversial. The first one lengthens the presidential term of office from five to seven years, and allows presidents to stay in office indefinitely. Article 89 stipulates that local government officials are to be nominated by the president, instead of being elected.

In Benin, the national assembly adopted a new

law to amend the charter of political parties. This law, which was adopted by 43 votes to 37, requires 120 founding members (10 per department) in order for a political party to be established. It also forbids defections from parties by stipulating that MPs, who are elected on the ticket of a political party and who resign during their term of office, will lose their seat and be replaced by their substitute.

In Nigeria, a debate on the constitution was initiated and amendments thereto were proposed by a government-appointed committee. Among the proposed amendments was the prolongation of the president's term of office (as well as the regional governors) from four to five years. The present constitution was drafted at the end of General Abdulsalami Abubakar's military regime in May 1999. Also, two new political associations - the National Solidarity Association (NSA) and the National Frontiers (NF) - formally announced their entry on to Nigeria's political stage. The NSA's membership is drawn largely from among friends and associates of former president, General Ibrahim Badamasi Babangida, who led the country from 1985 to 1993. The leaders of the NF include ex-governors and military chiefs, as well as Chief Edwin Ume-Ezeoke, a former speaker of the house of representatives.

The Ghana government is considering legislation which would enable Ghanaians, who are based abroad, to vote in future elections. Modalities for voting rights are to be worked out by the relevant law agencies and institutions. President Kufour said the move was in acknowledgment of their huge contribution to the national economy. It is estimated that Ghanaians living abroad provide a lifeline to the Ghanaian economy by contributing about US$400 million annually. Their contribution ranks fifth, after earnings from cocoa, gold, tourism and non-traditional exports.

In Sierra Leone, delegates at a National Consultative Conference deliberated over proposals in connection with the electoral system and peace process. A total of 22 political parties were invited to the conference, all of which agreed to back the District Block electoral system as an alternative to the constituency-based system. The constitution states that parliamentary elections should be held under the first-past-the-post system, while the constituency-based system applies for presidential elections. Consequently, a national census would have to be conducted if this system were to be used. 🛆
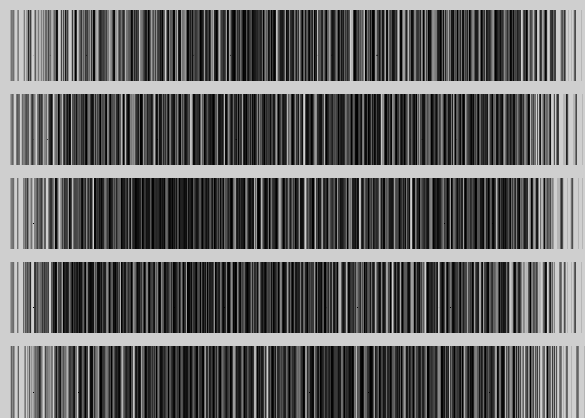
# TRENDS
## in preventive action

## SYNOPSIS OF PREVENTIVE ACTION

Preventive action refers to the capacity to initiate and manage efforts in order to prevent disputes from developing into violent conflict; to prevent existing violent conflicts from further escalating; and, where violent conflicts have been resolved, to prevent those conflicts from re-igniting. During the last decade, humanitarian agencies, conflict resolution organisations, governments and inter-governmental organisations - such as the Organisation of African Unity (OAU) and the United Nations (UN) - have attempted to operationalise the concept of preventive action in order to respond to ongoing conflicts. Within the African context, the OAU has, in particular, experimented with a number of measures. They include:

- The use of elder statesmen and eminent individuals in order to use their prestige and moral standing to influence conflicting parties, with the ultimate aim of initiating dialogue in order to prevent the escalation of existing conflicts. In most instances these efforts have usually resulted in full-scale negotiations. Examples include Nelson Mandela's attempt to broker peace in the Democratic Republic of Congo (DRC) and Burundi. The late Mwalimu Julius Nyerere's mediation effort in Burundi, as well as Ketumile Masire's mediation of the ongoing Inter-Congolese Dialogue (ICD), are also examples of this unique OAU approach to conflict prevention.

- The use of special fact finding missions aimed at consulting with all conflicting parties in order to create confidence in the face of impending instability. The South African Development Community (SADC) Task Force in Zimbabwe, the OAU Contact Group in Madagascar and the SADC Parliamentary Forum Election Observer Teams are all examples of this approach to conflict prevention.

- The setting up of regional structures in order to handle conflicts within ëdesignatedë regional spheres, which is based on the OAU's regional centre concept. These include the SADC Organ for Politics, Defence and Security, which handles security-related issues in southern Africa; the Inter-Governmental Agency for Development (IGAD), which handles security matters within the Horn of Africa; the proposed East African Regional Defence Arrangement, which would handle security issues of the East African Community (EAC) member states; and ECOWAS/ECONOMOG (Economic Community of Western African States), which would handle the western tier.

## PREVENTIVE ACTION TRENDS IN THE LAST QUARTER

During the period under review, preventive diplomatic activity on the continent centred around three conflicts, namely those that erupted in the DRC, Zimbabwe and Burundi.

The DRC conflict appeared ripe for resolution, following the start of the ICD in South Africa. The ICD was provided for under the Lusaka Peace Agreement (LPA), which was signed by all belligerent groups in June 1999. The ICD serves as a central mechanism which will lead to a new political dispensation within the DRC. A total of 350 delegates - all representing different parties and interests to the conflict - are present at the talks. The parties are drawn from the government, unarmed political opposition, civil society, armed groups and other representatives, such as the Mai Mai (an ethnic Congolese militia group) and religious leaders. The delegates are expected to discuss and reach consensus on a comprehensive list of agenda items, which include the nature of the state and public administration; the integration of the defence force; electoral issues; transitional arrangements; and the issue of citizenship.

The structure of the ICD is modelled along formal negotiation lines. The dialogue has established a number of mechanisms, including working groups, commissions and a plenary. While the plenary will be used to endorse decisions on agenda items, the working groups and commissions will be used for caucusing. The commissions will be facilitated by a group of experts who are attached to the facilitation team. They will assist in guiding the discussions and will provide expert opinions on the more technical issues. The commissions identified are as follows: constitutionalism; defence force integration; humanitarian and development; peace and reconciliation; and electoral issues.

Initial problems over representation, which stalled the start of the ICD during the consultation in Ethiopia's Addis Ababa in October (as well as in Nigeria in December), appear to have been resolved, paving the way for the start of the plenary session at

Former South African President Nelson Mandela and Burundian President Pierre Buyoya attend the closing session of the Burundi peace summit

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GERRY PENNY/AFP



Protestors demonstrate outside the Commonwealth secretariat in London following the recent elections in Zimbabwe

Sun City, in South Africa's Northern Province.

The peace process in Burundi entered a new phase, following the inauguration of a transitional government (TG) in November 2001. The TG is faced with a number of tasks, some of which are summarised hereunder:

- Facilitate the functioning of the transitional political institutions, as defined under the Burundi Peace Agreement. These include a transitional executive, legislature and judiciary;
- Create conditions for the establishment of new political institutions and legal instruments, including an independent electoral commission; an electoral law; a constitutional court; and codes of conduct for political parties and other role players;
- Setting up of a National Truth and Reconciliation Commission, and facilitating a process of constitution drafting.

From the conflict prevention perspective, the TG is expected to serve as a mediatory mechanism in order to facilitate the process of post-conflict reconstruction. It will also eventually facilitate the holding of elections and the establishment of a national government. The TG is an outcome of the Arusha Peace Agreement on Burundi, as well as the political negotiations which were facilitated by the late Mwalimu Julius Nyerere and, more recently, by Nelson Mandela.

The transition period is 36 months. It is divided into two phases, during which the presidency and vice-presidency will be rotated between Hutu and Tutsi politicians. President Mandela was able to extract this concession as a compromise solution in order to respond to the issue of who would lead the transition. A deployment of South African National Defence Force (SANDF) troops acted as a protective force in order to facilitate the safe return of political exiles, and formed part of a series of support measures designed to ensure the start of the transition. Discussions on the more technical issues (involving the transitional institutions) are currently being facilitated by the Implementation Monitoring Committee (IMC), which is being chaired by Ambassador Dinka, special UN envoy to Burundi.

Meanwhile, the rebel group Parti pour la libÈration du peuple hutu-Forces nationales de libÈration (PALIPEHUTU-FNL) has expressed readiness to participate in a dialogue (under the auspices of the mediators) in order to find a lasting solution to the conflict in Burundi. The PALIPEHUTU-FNL delegation to the OAU headquarters in Addis Ababa - which consisted of the vice-president, Jean-Bosco Sindayigaya, as well as other senior officials - held in-depth discussions with representatives of the OAU secretariat-general. The discussions were followed by a working session in the presence of diplomatic representatives from Gabon and South Africa. The move may provide impetus to the ceasefire process, which is

currently being driven by South Africa and Gabon.

In Zimbabwe, the SADC Troika - consisting of South Africa, Botswana and Mozambique - was specially assigned to assist the SADC in responding to political and economic tensions in Zimbabwe. The initiative was designed as a separate regional effort to complement the Abuja Agreement. It was facilitated by President Olusegun Obasanjo, and was aimed at restoring confidence between Zimbabwe and Britain. The task force was mandated to monitor the following:

• Undertakings by the Zimbabwean government aimed at ensuring that its land reforms were implemented without violence and according to the law of Zimbabwe;

• The results of pledges made by the Zimbabwean government, as well as other national stakeholders, to intensify consultations aimed at confidence-building, finding lasting solutions to the land question and easing the economic crisis in Zimbabwe.

At a meeting held by the task force in August 2001, the following developments were recorded:

• The Zimbabwe Joint Resettlement Initiative was established by commercial farmers and the government. With the support of the private sector, the initiative aims to provide land for the resettlement programme.

• A renewed commitment by the Zimbabwean government, as well as other stakeholders, to intensify consultations aimed at confidence-building, finding lasting solutions to the land issue and dealing with economic problems, as well as other issues of national concern.

• The willingness of political parties to establish a multi-party parliamentary committee in order to discuss the aforementioned issues on a continuous basis.

Zimbabwe recently concluded a general election, to which the SADC Parliamentary Forum deployed an observer mission. Many observers pointed to a need for reconciliation after the elections. Consequently, in continuation of the SADC initiative, some of the aforementioned measures - such as the joint inter-party committees - may prove to be useful for confidence-building and continuous dialogue after the elections. However, it is worth noting that through its involvement in Zimbabwe, the SADC is developing precedents which could prove useful in mounting preventive intervention strategies in the future. 🔒

South African President Thabo Mbeki addresses delegates during the opening ceremony of the Democratic Republic of Congo (DRC) peace talks held at Sun City



ANNA ZIEMINSKI/AFP

> It is time for African countries to seriously reconsider whether a strong military is necessary for a country's security

# alternative ways

## of achieving security

**T**his article will argue that it is time for African countries to seriously reconsider the validity of a major sacred cow: that a strong military is necessary for a country's security. In particular, it will present a number of alternatives to the military, which are certainly less costly and which may be more effective in achieving security. This article is based on the recognition that virtually all wars are now fought within - rather than between - countries.

The case for demilitarisation is threefold: the immorality of dealing with disputes by force; its high costs; and its low level of effectiveness. The first two are well-established, even if they are rarely heeded. As to the ineffectiveness of dealing with conflict by force, consider four of the major international wars fought over the past two decades: the Iran-Iraq war of 1980-88; the UK-Argentine war over the Falklands (1980); and the US-led actions against Iraq over Kuwait (1991), as well as in Kosovo (1999). The first ended in a stalemate after 500,000 military deaths. Military victories were won in the other three. However, 'peace' is maintained only by retaining large and extremely costly military forces within each region. The military is ineffective at resolving disputes.

Three broad alternatives can be identified, which would probably be introduced in conjunction with reduced military expenditure and force projection.

- Transforming the military and its traditional security functions;
- Reducing the number of disputes;
- Developing capacity to deal with disputes without the use of the military.

## 1.Transforming the military

A prior question was whether a military could ever be transformed, or whether it is by definition - like apartheid in South Africa - so fundamentally oriented towards violence that it could not be changed.

### Non-offensive defence (NOD)

A NOD strategy would mean giving up the military capacity to attack, invade or intimidate another country. The country's military arsenal would be restructured to include only defensive weapons. Secondly, it would involve the rethinking of defence strategies in order to make an attack or invasion very difficult and expensive, and the defending armed forces hard to defeat.

The benefits of such an approach would include its potential to provide greater security from external attack; a reduced likelihood that the country would use force itself to settle disputes; and its relative cost-effectiveness. The disadvantage is that it could encourage a current or future aggressor to invade. More practically, it is often difficult to decide whether a particular weapon is offensive or defensive. Long-range bombing aircraft are clearly offensive. However, fighter aircraft - normally considered a defensive weapon - can also be used to attack other countries.

### Privatising or civilianising military functions

In most African countries, the military has adopted functions well beyond its core role of protecting the country from external attack - a process known as 'mission creep'. These include the surveillance of coastlines and exclusive economic zones in order to prevent poaching, smuggling or the entry of illegal immigrants; the surveillance of organisations which provide trained personnel in times of natural disaster; the surveillance of organisations which provide rescue services; and the surveillance of police and kindred services which deal with all matters of internal security. It is likely that these could be handled more effectively - and at lower cost - by other government departments, or by private enterprise.

It may be argued that it makes economic sense for the military to be utilised in non-core activities whilst it is not directly involved in war or training for war. However, this would not be the case if these activities were used to maintain a military of greater size than the minimum needed for defence. Whether or not to privatise such activities in any country is a matter for empirical investigation. Where civilian provision is more cost-effective, these tasks should be civilianised.

Social defence may be considered an extreme form of civilianising military functions. It involves the non-violent, non-cooperation of a population with an invader or usurper of power in order to make their takeover costly and perhaps untenable. This is not passive submission - it is sustained and non-violent resistance, and it has proven effective even against the most ruthless of oppressors (for example, in Nazi-occupied countries during World War 2). It may be a particularly cost-effective security strategy for small countries situated next to a powerful neighbour.

## 2.Reducing the incidence of disputes

### Befriending the neighbours

A strategy of befriending the neighbours - whether citizens of one's own country or of neighbouring countries - is based on the recognition that friends deal with conflicts through non-violent means. There is a strong link between this and peace-building - that is, creating structures within a society which promote social and economic justice, and thus provide the foundation for sustainable peace. It also helps change the attitudes and beliefs which justify the use of violence against others. At the international level, there are numerous opportunities for befriending neighbours. Examples include educational exchanges; aid in

South African auditor-general Shauket Faukie (L), flanked by the speaker of the house, Frene Ginwala, presents the joint investigative report into the controversial multi-billion arms deal to members of the SA parliament in Cape Town. National Director of Public Prosecutions Bulelani Ngcuka (2nd R) and Public Prosecutor Selby Baqwa (R), part of the investigative team, look on. The report cleared the government of improper and unlawful conduct whilst opposition parties slammed the report as a whitewash



ANNA ZIEMINSKI/AFP

times of national disaster; and cooperation with regard to shared resources, such as water.

### Building democracy and promoting development

Structural violence - inequitable and unjust social, political and economic structures - underlies many armed conflicts. A related concept defines 'deep-rooted conflicts' as those which combine identity-based factors (differences in race, religion, and so on) with a perceived imbalance in the distribution of economic, social and political resources.In their better forms, democracy and development - which frequently (although not always) go together - are potentially effective ways of dealing with these underlying causes. Development has the capacity to produce just outcomes in terms of the various needs of the majorities and minorities within a society. A functioning democracy enables an electorate to replace a government (by non-violent means) which no longer has the confidence of the majority of the population.

## 3.Building capacity to deal with disputes without the use of the military

### Educating the population in conflict resolution and management

Peace education is based on the strong belief that violence and aggression are learned behaviours. Insofar as to say that that which is learned is not the best way of dealing with disputes, unlearning and relearning is possible. There is an ongoing debate with regard to this topic. However, it is certainly clear that individuals and communities can learn alternative and effective ways of non-violently handling disputes.

### Establishing a range of conflict resolving institutions

The military is based on the use of force - or the threat of its use - and results in a winner and a loser. In terms of the number of criteria - transactions costs; satisfaction with outcomes; effect on the relationship; and likelihood of recurrence - force is inferior to methods which aim to resolve the conflict by reconciling the interests of the parties.

As noted above, it is possible to educate and train a population in such methods. This could be complemented by the establishment of institutions which could help reconcile the interests of disput-

ing parties. These could include forums for the airing and clarification of positions and interests; conflict resolving institutions to assist disputants reach mutually satisfying outcomes; and, when resolution cannot be achieved, institutions to adjudicate in disputes within and between countries.

### Comparing the cost effectiveness of alternative ways of achieving security

In the table, I have summarised my views regarding the comparative costs and effectiveness of these alternative ways by comparing them to the conventional military approach. A combination of alternatives would most likely be chosen. Further research is needed to better establish the costs and effectiveness of these various alternatives.

The current military approach is both costly and of limited effectiveness. Each of the three suggestions for transforming the military would result in cost savings, and would be more effective in achieving security. Befriending the neighbours could be moderately costly. However, this alternative would score well in terms of effectiveness. The establishment of a system of conflict resolving institutions would not be costly, and would be moderately effective. Building democracy and development is costly and difficult. However, it offers a high level of effectiveness.

### The demilitarisation tasks

There are at least four main tasks involved in moving to a demilitarised society:
- Providing a positive outcome for all stakeholders;
- Disarming, demobilising and reintegrating ex-military personnel;
- Financing demilitarisation;
- Establishing an implementation body.

A decision to demilitarise could be imposed upon a population by political leaders, or it could be the result of mass support for alternative ways of dealing with conflict. The latter would, of course, be more likely to last. It would depend on how satisfied a population feels about its security - either because it does not perceive a threat, or because it has been convinced of the potential of non-military alternatives. A government could offer incentives - in the form of a peace dividend - to its people, assuming the saved expenditures were not simply used to reduce the size of the budget deficit. Costa Rica stands out as a shining example, with education and health indicators far higher than its neighbours and other countries with a similar GNP per capita. The only logical explanation seems to be its

almost non-existent defence expenditure.

How would the military respond to its demise? The answer would depend, in part, on its status and influence in the country, and on the separation packages offered to its members. Demilitarisation is costly, and any peace dividend from downsizing the military would certainly need to be supplemented by foreign sources. A Ministry of Peace would be needed to handle a nation's new approach to security, oversee the demilitarisation and disarmament processes, and build alternative ways of achieving security. Such a ministry would need to be accorded long-term status and funding.

### Reasons for optimism

Whilst the task of demilitarising SSA is massive, there are success stories from which to draw much encouragement. These include the experience of Costa Rica and other small countries which oper-ate without a military; the non-violent ending of apartheid; the success of the campaign to ban the manufacture and use of landmines; and the disarmament and reintegration of former rebels in countries such as Namibia, Mali and Mozambique.

Input from all manner of individuals, groups and governments would be required. However, the major prerequisites would include a major change of thinking with regard to security, and a commitment to handle conflicts without violence, and with justice. ⚑

## Endnote

| Alternative ways of achieving security: relative financial costs and effectiveness | | |
|---|---|---|
| Method | Costs | Likely effectiveness |
| Traditional military | High | Low-moderate |
| **Transforming the military:** | | |
| Non-offensive defence | Reduced | Increased |
| Civilianising military functions | Reduced | Increased |
| Social defence | Low | Moderate |
| **Reducing the incidence of disputes:** | | |
| Befriending neighbours | Moderate | Moderate-high |
| Promoting democracy and development | High | High |
| **Building dispute-resolution capacity:** | | |
| Educating in conflict resolution and management | Moderate | High |
| Establishing conflict resolving institutions | Low | Moderate |

ALESSANDRO DELLA VALLE/AFP

Supporters of this renaissance must now work with caution and unflinching dedication, in order to ensure that this vision becomes a reality

BY SALLY MATTHEWS

# the african
# renaissance&
# conflict
## resolution

On the adoption of the new South African Constitution, then deputy president, Thabo Mbeki, declared:

'This thing that we have done today, in this small corner of a great continent that has contributed so decisively to the evolution of humanity, says that Africa reaffirms that she is continuing her rise from the ashes. Whatever the setbacks of the moment, nothing can stop us now! Whatever the difficulties, Africa shall be at peace! However improbable it may sound to the skeptics, Africa will prosper!'

From the mid-1990s, the idea of Africa rising up and overcoming any obstacle in its way, became a common theme in the speeches and writings of many African leaders and academics.

The idea of an African Renaissance is not new - it has been expressed in various ways, and under various names, since the colonial era. However, supporters of the current articulation claim that prevailing circumstances in Africa are conducive to the realisation of this revival which has, for so long, been a recurring dream with little hope of being actualised. Some of the conditions which are conducive to the realisation of the renaissance are:

- the finalisation of decolonisation following South Africa's liberation;
- the end of the Cold War;
- globalisation;
- the rise of a new African leadership which is committed to democracy and the integration of African with the rest of the world;
- political unity;
- regional economic integration;
- the improved capacity to handle intra- and interstate conflicts.

The last condition is an interesting one. Supporters of the African Renaissance are confident that Africa need no longer be seen as a home to unending conflict. Africa is developing the capacity to resolve its conflicts. It is also developing the capacity to transform the continent from one of war, to one of peace. As Phylicia Oppelt wrote in the Sunday Times in 1999:

> 'We're all pretty sick and tired of being sold globally as the motherland of skulls and dismembered bodies. We know there is more - we have culture, art, tradition and instances of peace.'

It is true that most Africans are tired of hearing about conflict and bloodshed in Africa. They are eager to see the end of such conflict, and the dawning of a new peaceful and prosperous Africa. However, do the various initiatives associated with the African Renaissance have the capacity to bring about an end to conflict on the continent? This article will attempt to provide an appraisal of the renaissance's commitment to conflict resolution. It will also assess the various conflict resolution strategies, and their potential for success.

## The African Renaissance's Commitment to Conflict Resolution

When addressing the Ghana-South African Friendship Association on the topic of the African Renaissance, Thabo Mbeki stressed the importance of finding:

> 'A permanent solution to the self-serving promotion of ethnic, religious, racial and narrow nationalist interests that are responsible for many conflicts within and between countries.'

This commitment to conflict resolution has been echoed by many other supporters of the African Renaissance. In his speech at the launch of the South African chapter of the African Renaissance, deputy president, Jacob Zuma, said we will know that the African Renaissance has been achieved once war and destruction are 'a mere chapter in history', rather than a daily reality for many Africans'. Deputy President Zuma also identified the end of conflict as an 'essential ingredient' for the realisation of the African Renaissance. It is recognised that without the end of war on the continent, the renaissance would remain a fatuous dream, without any possibility of realisation. Deputy minister of foreign affairs, Aziz Pahad, gave a stern warning that 'any call for the reawakening of the continent would flounder in the presence of such persistent conflict'.

The commitment to conflict resolution is also reflected to some extent in the various initiatives which have developed out of the vision for an

Former South African President Nelson Mandela (C) addresses the media after a meeting with President Pierre Buyoya (L) of Burundi and Leader of the opposition Jean Minani. President Pierre Buyoya of Burundi flew to Pretoria for talks with South African authorities on the peace process in his country. South Africa has deployed some 700 men to Burundi to protect politicians returning home from exile.

African Renaissance. In January 2001, President Olusegun Obasanjo of Nigeria, President Thabo Mbeki of South African and President Abdelaziz Bouteflika of Algeria presented the 'MAP' at the World Economic Forum. The acronym MAP appeared to stand for a number of different things, including the Millennium Africa Renaissance Programme; the Millennium African Recovery Plan; Millennium African Recovery Programme; Millennium African Renewal Programme; the Millennium Plan; and the Millennium Partnership for African Recovery Programme. Whatever MAP was supposed to stand for, it was marketed as a practical programme which reflected the commitment of African leaders to end Africa's marginalisation, with the ultimate aim of bringing about the African Renaissance. Some commitment to conflict resolution was apparent within the MAP - one of its priority areas was the creation of peace, security and stability. However, most of the MAP's priorities were economic.

While the MAP was being developed and promoted, Senegalese president, Abdoulaye Wade, was developing his own plan for Africa's recovery - the Omega Plan. In July this year, it was decided that the MAP and the Omega Plan would merge to form the New African Initiative (NAI). This initiative was recently renamed the New Partnership for Africa's Development (NEPAD). The NEPAD gives priority to the promotion of peace on the African continent. In its programme of action, the NEPAD identifies two initiatives which will hopefully bring about the preconditions necessary for Africa's development. The first of these initiatives is the 'Peace, Security and Political Governance Initiative'. Included in this initiative is a commitment to build long-term conditions for development and security, as well as a commitment to increase the capacity of African states and institutions for the prevention, management and resolution of conflict.

The inclusion of such an initiative within the NEPAD indicates that the architects of the African Renaissance have recognised the importance of resolving conflict and promoting peace in order for the African Renaissance to become realised.

## African Solutions to African Conflicts

It is important to note the commitment to conflict resolution forms part of a broader context of goals set by the African Renaissance. Some of the goals and philosophies that form part of the African Renaissance have implications regarding what approach should be taken to promote peace on the African continent.

The African Renaissance proclaims that Africans must take their destiny into their own hands. According to Malegapuru Makgoba, the African Renaissance 'is about Africans being agents of [their] own history and masters of [their] own destiny'. When applied to the handling of conflict, this aspect of the African Renaissance insinuates that Africa should solve its own conflicts; that it should develop and strengthen its own conflict management strategies. This was articulated clearly by Dr Salim Ahmed Salim during his office as secretary-general of the Organisation of African Unity (OAU). Dr Salim said:

> 'OAU states can no longer afford to stand aloof and expect the international community to care more for our problems than we do Ö we must remain at the forefront of efforts to act and act speedily, to prevent conflicts from getting out of control.'

According to the renaissance perspective, Africans can no longer expect the rest of the world to step in and prevent, manage or resolve African conflicts. It has been observed that non-African countries are increasingly reluctant to get involved in African conflicts, such as those in Rwanda and Burundi. This reluctance should not be seen as a sign that Africa is hopeless, and that African conflicts are inevitable. Rather, it should be seen as an opportunity to formulate African solutions to African conflicts. There are several positive trends with regard to the search for African solutions to African conflicts. Some of them are:

- Nelson Mandela's role as official facilitator in the Burundi peace process - this intervention recently led to the establishment of a multi-party transitional government;
- Sir Ketumile Masire's ongoing role as facilitator of the inter-Congolese dialogue;
- South Africa's intervention in Lesotho in 1998 - while this intervention was far from faultless, it did successfully prevent a military coup;
- The OAU's involvement in conflict mediation between Ethiopia and Eritrea;
- The African Union's commitment to the improvement of African structures for the prevention, management and resolution of conflict.

These examples indicate the increased willingness of African countries to be involved in the resolution of conflict throughout the continent. It also indi-

cates that African solutions to African conflicts still need to be developed and refined before they can achieve the results required for the realisation of the renaissance.

## Problems and Prospects regarding the Renaissance's Promotion of Peace

The discussion thus far indicates that the African Renaissance is committed to the prevention and resolution of conflicts, as well as the promotion of peace. However, a commitment to peace is only the beginning of the peace process. Several problems have cropped up with regard to the renaissance's promotion of peace in Africa, and these problems must be addressed in order for the renaissance to achieve its goals.

The speeches of various proponents of the renaissance indicate that the resolution of conflict is imperative in order for the African Renaissance is to be realised. However, some observers have noted that verbal commitments to peace are not always accompanied by discussion and action. It is one thing to proclaim the end of conflict in Africa, but it is quite another to devise a strategy for the eradication of war on the continent. After observing the proceedings of an African Renaissance conference held in Johannesburg in 1998, Thabo Kobokoane commented that while many regions of Africa were consumed with conflict, 'for the bulk of African Renaissance delegates, the festering conflicts did not appear to be important'. For conflict to be resolved it is important for African intellectuals to sit down and debate the causes of the various conflicts, as well as the best long-term solutions to them. It is also necessary for African political leaders to demonstrate their willingness to cooperate with each other, and to make sacrifices in order for Africa to become a continent of peace. In addition to this, it is vital that ordinary Africans engage in discussion regarding the roots of, and the possible resolutions to, the conflicts. The African Renaissance has not yet provided a large enough platform for these types of debates, discussions and opportunities for cooperation.

A second problem relates to certain contradictions within African Renaissance discourse. As was indicated earlier, African Renaissance discourse has urged Africans to take their destiny into their own hands - to find African solutions to the problems plaguing the continent. However, recent initiatives which have been proposed as strategies

for the realisation of the renaissance appear to abandon - or at least dilute - the idea of Africans being masters of their own destiny. The NEPAD and its predecessors stress the importance of 'partnership'. An entire section of the official NAI document is devoted to the discussion of a 'New Global Partnership'. This section identifies a number of 'responsibilities and obligations' for the developed world. A total of 13 fairly extensive responsibilities and obligations are identified, the first of which relates to conflict resolution. The NAI has asked developed countries:

> 'To materially support mechanisms for and processes of conflict prevention, management and resolution in Africa, as well as peacekeeping initiatives.'

This request for material support highlights the continued dependence of African countries on Western assistance for conflict resolution. This dilutes the earlier call for Africans to be masters of their own destiny, and makes it unclear as to what exactly the African Renaissance's approach is with regard to the promotion of peace - does the African Renaissance seek to find an African path to African peace; an African-led partnership for African peace; or is the whole idea of African solutions to fall by the wayside as Africans continue to call on the West to intervene and resolve conflicts on the continent? It is vital that the advocates of the renaissance clarify its position regarding the extent to which Africa is expected to remain dependent on non-African countries to resolve African conflicts.

The African Renaissance provides a vision of a peaceful and prosperous Africa. It challenges suggestions that the African continent is the 'hopeless continent', or that its only contribution to the rest of the world is that it keeps weapons industries in business! The African Renaissance has presented a vision of hope and peace, and supporters of this renaissance must now work with caution and unflinching dedication, in order to ensure that this vision becomes a reality. ◪

## Endnote

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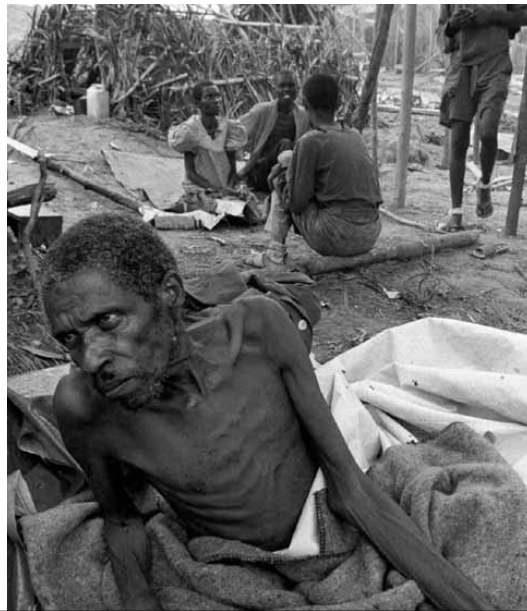
Is peace and stability a prerequisite

for economic development in Africa?

## AFRICAN RENEWAL

BY HUSSEIN SOLOMON

# peace before development ?

On a recent flight from Atlanta to Johannesburg, I found myself seated next to an American businessman and his family, who were on their way to holiday in South Africa. During our conversation, I asked him if he intended to mix business with pleasure by investigating various investment options in the country. His reply was a decisive negative. When pressed for reasons, he pointed to the high crime rate in the country and added that all African countries were inherently unstable, thereby making them unsuitable for long-term investment. I was immediately struck by the gentleman's broad generalisation, and found myself questioning whether peace and stability were, indeed, prerequisites for economic development?

On the surface, it would appear that economic development without peace and stability, is impossible. In this regard, consider two examples. Firstly, during the Rwandan genocide of 1994, two million people were forced to flee their homes and an estimated 800,000 civilians were killed. During this period, Rwandan exports dropped by 60 percent. Similarly, in the Bosnia-Herzegovina conflict - which resulted in 145,000 dead; 174,000 injured; and 2,5 million refugees - the Bosnian Gross Domestic Product (GDP) plunged from an estimated US$10 billion to only about US$2 billion between 1990 and 1996.

Convincing as these statistics may seem, it is clear that the relationship between peace and economic development cannot be viewed in such overly-simplistic, mono-causal terms. Various

The one billion dollar pipeline in the central Sudanese town of Higleig that carries the country's crude to the Red Sea coast for export, was inaugurated in mid 1999

MARCO LONGARI / AFP

A labourer picks leaves in the tea plantation of Byumba, North Rwanda

country case studies may be used to reinforce this point. However, in the interests of brevity, this article will briefly focus on two states which, when it comes to the nature of the interaction between peace and economic development, seem to defy conventional wisdom. Algeria is a country that has been wracked by violent conflict between the government and radical Islamic groups. It has also had to deal with ethnic conflict and poor civil-military relations. Despite this period of conflict, Algeria has managed to reduce its budget deficit from 16,3 percent in 1993, to 1,4 percent in 1995. Algeria's total exports of goods and services were close to US$11 billion in 1995 - an increase of 14 percent from the previous year. These strong gains were built upon in later years. For instance, Algeria posted a trade surplus in excess of US$10 billion during 2000 - more than a three-fold increase from 1999 - on the strength of an increased petroleum production of more than 1,2 million barrels per day. As a result, foreign exchange reserves increased dramatically from US$4,5 billion in 1999, to more than US$12 billion in 2000.

Like Algeria, Uganda is a conflict-ridden country that has faced at least three violent insurgencies from the Lord's Resistance Army in the north, the Allied Democratic Forces in the south-west, and the West Nile Bank Front in the south-east. More recently, Uganda has also found itself embroiled in a war in the Democratic Republic of Congo (DRC). Despite this, the Ugandan economy turned in a solid performance throughout the 1990s, with a GDP real growth rate of 5,5 percent. Much of this growth was based on continued investment in the rehabilitation of infrastructure; on improved incentives for production and exports; and on reduced inflation. This economic growth has also served to positively impact on the lives of ordinary Ugandans, despite the violent conflicts that have plagued their country. Thus, according to the United Nations (UN) Development Programme Report, the Human Development Index of Uganda increased from 0,276 in 1992, to 0,343 in 1995, and to 0,435 in 2000.

## Explaining anomalies

So, how does one understand such positive economic growth on a continent where the scale of violent conflicts have been immense? After all, no less than 28 sub-Saharan African states have been embroiled in warfare during the past two decades. Of these, 17 have faced conflict during earlier periods and in eight of them, the roots of war stretch back to the armed struggles of the pre-independence era. One factor that has contributed to this anomaly has been the geographical spread of conflict between the different regions of Africa, between the different African countries, and also within them. Most African conflicts are localised - one example is the Saharan periphery of Mali.

Another factor that has contributed to this anomaly is our own linear understanding of peace and conflict. For instance, Stanley Samarasinghe notes that a conflict consists of five phases: there is (1) the pre-conflict phase; (2) the conflict emergence phase; (3) the conflict and crisis phase; (4) the conflict-settlement phase; and (5) the post-conflict phase. Such a neatly compartmentalised, linear understanding of peace and conflict dominates much of the contemporary literature. According to this view, economic development is supposed to be firmly located within the post-conflict phase. However, research conducted by the UN Research Institute for Social Development (UNRISD) on transitions in war-torn societies contradicts this dominant standpoint. The UNRISD study noted that: *'The historical timespan from war to peace is a long period in which both coexist, where peace has come to some areas but not to others, where conflict lingers and remains an omnipresent threat and occasionally flares up again. Reconstruction and rebuilding [including economic development] takes place throughout this period.'*

According to this view, the title of this paper could actually be turned around - it could be asked whether economic development is not a prerequisite for peace and stability. From this standpoint, economic development could be seen as a conflict prevention mechanism in societies which are conflict-prone - or as a conflict-mitigating measure in societies that are conflict-ridden - by expanding zones for peace. This is vitally significant for Africa, where economic considerations often form the roots of conflict. This is graphically underlined by Rupesinghe and Anderlini in their examination of the origins of the Rwandan genocide:

*'... in Rwanda, one of the world's poorest countries, a rapidly increasing population, coupled with decreasing agricultural productivity, few opportunities and uneven government support for rural areas, exacerbated social tensions. This, combined with a drop in tea and coffee prices in the late 1980s, and structural adjustment policies in 1990, led to even harsher living conditions and eroded the government's legitimacy in the eyes of the people. These factors in themselves did not create sufficient conditions for the outbreak of the genocide in 1994. Within the wider context, however, they were instrumental in the build-up of tension and grievance in a country with a history of social and ethnic divisions, and recurrent communal violence.'*

The relationship between economic development and conflict has also been emphasised by Stanley Samarasinghe, who indicated that:

- since the mid-1980s, 15 of the 20 poorest countries have experienced violent conflict;
- half of the world's low-income countries are either engaged in conflict or are in the process of transition from conflict;
- almost every low-income country shares at least one border with a country in conflict is not embroiled in its own conflict;
- in the 1990s, 70 million of the world's poor were displaced from their homes as a result of conflict. In Africa, one-third of its countries have produced refugees.

## Some concluding remarks

That a relationship exists between peace and stability on the one hand, and economic development on the other, is clear. However, the specifics of the relationship is context-dependent, and is also dependent upon the intrusion of various external variables. As a result, one can convincingly argue against the myth that peace and stability is a precondition for economic development in Africa. The millions of dollars flowing into the oil industries of conflict-ridden Angola and Sudan highlight the point that foreign investors understand only too well. Indeed, it has been argued that economic development could serve to prevent or mitigate conflict.

If the international community is serious about supporting Africa in its efforts to rid itself of conflict, then it should engage in more preventive - rather than remedial - action. This should take the form of greater investment and financial aid to the African continent. On a personal note, I believe that at a time when Africa's leadership is taking greater responsibility by way of the New Partnership for African Development (NEPAD) strategy; at a time when Africa's defence expenditure is decreasing; at a time when growth for the region is estimated at 5 percent per annum until 2006; and at a time when export volumes have increased by 7,3 percent - the highest in five years - now is the time to invest in Africa.

### Endnote

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One of the challenges facing the new Union ensuring that it does not repeat some of the mistakes committed by the OAU

## AFRICAN RENEWAL

BY NTHABISENG NKOSI

# the african union
## forging links for greater unity and security

**W**ith the launch of the African Union (AU) Summit less than six months away, the challenges to transform the Organisation of African Unity (OAU) - and simultaneously continue with activities unhindered - becomes ever increasing. One of the challenges facing the new union is to ensure it does not repeat some of the mistakes committed by the OAU. As such, the new union can only be as strong as its members.

Thus far, the work that has been done to consolidate the union should be commended. However, closer scrutiny must be applied to ensure that what is on paper is indeed carried out. Only then will Africa start to recovery, become a peaceful and secure environment, and enjoy further development.

The visit to South Africa by the new OAU sec-

retary-general, Amara Essy, highlighted important steps that must be taken in order to attain greater unification and security among Africans. The transition from the OAU to the AU - set to take place prior to the launch of the union in South Africa in July 2002 - will not be an easy one, as there are many challenges ahead. Mr Essy does not face these challenges alone - all the member states and their respective governments do too. The 57-year-old Essy has a good track record, which includes 10 years as foreign minister of the Ivory Coast. He also presided over the United Nations Security Council (UNSC) in 1990[1] , has held the position of ambassador and has the ability to speak half a dozen languages - clearly, he is well poised to take on the aforementioned challenges.

A member of South African National Defence Force (SANDF) deployed in Lesotho as part of the Southern African Development Community (SADC) forces to restore law and order in Lesotho

## Making the AU work for Africans

Familiarising and selling the union to ordinary Africans has been one of the most challenging tasks. However, it is one challenge that most governments - including South Africa - are currently pursuing through consultative workshops and seminars with various groups and sectors of civil society. The union's emphasis on public participation is one way that it differs from the OAU - it will not become another 'old boys club'. To this end, the Economic, Social and Cultural Council (ECOSOC) will be one of the few organs of the union that will ensure broad public participation and information dissemination with regard to the union's proceedings and affairs. There is no doubt at all that the union, through various sub-regional organisations and individual member states, will have to keep the public informed; it will also have be informed about the needs of the African people.

The creation of the Pan African Parliament and Court of Justice are also milestones in the realisation of the African Renaissance and the New Partnership for Africa's Development (NEPAD). However, caution must be exercised in order to ensure the success and survival of these new entities. The Pan African Parliament will serve the purpose of ensuring broad public participation, and will also keep member nations informed of the union's activities through their representative parliamentarians. The African Court of Justice will play an important role in ensuring compliance with international law; it will also be responsible for penalising wrongdoers.

The union will have to play a greater role in the peaceful resolution of conflicts, which still continue to hinder the continent's development. Articles 3 and 4 of the union's Constitutive Act promise to 'promote peace, security and stability on the continent; promote democratic principles and institutions; [promote] popular participation and good governance; [protect] human and people's rights in accordance with the African Charter on Human and People's Rights; [protect] the right of the union to intervene in member states pursuant to a decision of the assembly in respect of grave circumstances such as war crimes, genocide and crimes against humanity; [support the] establishment of a common defence policy, as well the condemnation and rejection of unconstitutional changes of government'[2].

Part of the OAU's mandate was to encourage decolonisation/independence, as well as political unity. These were often promoted by supporting tyrant dictators and at the expense of human rights. The new union will have to act against any unconstitutional changes of government; it will also have to act against leaders who attain power democratically, but who then cease to operate democratically once in power. Furthermore, durable peace in conflict-ridden regions must be attained. The new union must also ensure that sanctioned members do no participate or interact with other regional, international and multilateral organisations. Death, poverty, human suffering and displaced populations are only some of the disastrous effects of the many conflicts that continue to ravage the continent, devour scarce resources and undermine the capacity for good governance.

Consequently, African leaders must take responsibility for conflict resolution. To this end, they must employ the 'Mechanism for Conflict Prevention, Management and Resolution', which was established by the OAU. The primary objective of the mechanism is to anticipate and prevent 'situations of potential conflict from developing into full blown conflicts'[3], which presupposes the urgency for effective preventive measures. The AU will have to improve on this aspect and ensure adequate funding is available, otherwise the mechanism will continue to be deemed ineffective.

It is important that intervention does not occur when war has already broken out, as complex peace-building and peacekeeping measures demand resources. The AU should encourage and develop the areas of negotiation, mediation, conciliation and arbitration[4]. It must also develop 'track two' diplomacy, as well as early warning systems (including the promotion of human rights; the promotion of democracy; and the building of collective regional security) to detect and prevent the outbreak of conflicts. Early warning systems are useful, as they provide the latitude to choose the most appropriate strategic option for efficient collective security. They are also not easily prone to abuse, as information gathered is not used by one country against another.

In the unlikely event of full-scale conflict breaking out, and the continuation of current conflicts on the continent, the new union must be primed to undertake peacekeeping, as well as peace enforcement exercises, in order to resolve these conflicts. To this end, and due to existing resource problems/limitations, the OAU Peace Fund - which is a special fund that was established for the purpose of providing financial assistance to 'exclusively support the union's operational activi-

A Botswana's armoured vehicle patrols in central Maseru 23 September, as looting and burning of building continue in the tiny mountain kingdom city. The violent protest was sparked by dissatis-faction of May 23rd elec-tion results, which was fol-lowed by deployment of South African National Defense Force (SANDF) in Lesotho 22 September after the failure of opposi-tion parties in honoring South African government efforts in diplomatic reso-lution of political crisis in Lesotho

ties relating to conflict management and resolu-tion'[5] - must be fully utilised. The AU must also ensure that resources from this fund are used for the sole purpose of conflict resolution, and that the fund does not dry up.

The AU will undoubtedly be tasked with build-ing 'strategic alliances' with African non-state actors - such as churches, mainstream business, women's groups, youth groups and non-governmen-tal organisations (NGOs) - with the main purpose of mobilising resources in order to allow the continu-ation of the fund's activities, as well as the acceler-ation and strengthening of the broader conflict res-olution mechanisms. The importance of coordinat-ing activities and ensuring the free flow of informa-tion cannot be overemphasised, especially at the level of sub-regional organisations. The AU must be seen as credible enough for others to interact with and call upon for assistance.

The 1998 South African intervention in Lesotho - which was conducted under the auspices of the SADC - illustrates sub-regional organisa-tions' non-consultation with the OAU[6] - such near calamities must be prevented in the future. Due to financial and military constraints (the tendency of non-payment by members further aggravated the situation), the OAU has lacked the capacity to

meaningfully intervene in the resolution of con-flicts. If the AU is to succeed, then these issues must be adequately addressed, which highlights the importance of conformity, adherence and coop-eration. The role of regional organisations in peacekeeping and conflict resolution cannot be downplayed - cooperation by the mechanism and the AU with Africa's regional and sub-regional organisations is vitally important.

Cooperation with other non-governmental and international organisations should also be encour-aged. This would help to ensure effective conflict resolution, as well as the maximisation of resources (human capital). Furthermore, the role and impor-tance of the UN cannot be underestimated. To date, the UN is the leading actor in the areas of peace-making and peacekeeping; it was established and tasked for that purpose and is more equipped than any other organisation to meet that challenge of conflict resolution.

The mechanism provides for 'recourse to the UN [in order] to provide the necessary financial, logistical and military support' required for the union's conflict resolution efforts, as provided for in the UN Charter.[7] However, the UN's role should be clearly defined in order to ensure the effective coordination of activities; this is also important in

WALTER DHLADHLA /AFP

Members of South African National Defence Force (SANDF) deployed in Lesotho as part of Southern Africa Development Community (SADC) forces to restore law and order in Lesotho take position near King Letsie III palace, 22 September. Three South African soldiers are reported killed. Lesotho opposition parties had been at loggerheads following a dispute in the May 23rd election results

order to avoid undermining the AU's activities and capabilities. Owing to the UN's reputation of being at the forefront of peacekeeping and conflict resolution efforts in Africa, the OAU was reduced to a mere 'critical linkage' between the UN and sub-regional organisations.

It is important that the AU develop the capacity to intervene in African conflicts - this has never been more important than it is now, due to the belief that the UN (as well as the rest of the developed world) has shifted its focus away from Africa, deeming Asia and the Middle East as areas needing more attention. The AU will also have to develop the capacity to assist countries that are recovering from conflicts. This will involve assisting with internally displaced people, food security and other basic essentials, as well as the refugee problem that could face many countries, including

those that receive and host refugees.

The AU must be well equipped to address the aforementioned issues in order to normalise the lives of those affected by war - their reintegration back into society must be as painless as possible. This applies not only to the elderly, women, children and disabled, but also to returning combatants. The importance of efficient and effective demobilisation, disarmament and reintegration (DD&R) at the continental level, transcends to effective and durable peace at the lower sub-regional level.

Unlike the OAU, the AU must be in a well-placed position to readily deploy troops for any peacekeeping mission - this implicitly suggests that the organisation should have a peacekeeping army. Chapter 4(d) of the AU Constitutive Act provides for the 'establishment of a common defence policy'.

With time, the policy could be complimented with a peacekeeping force, comprised of member state representatives. The details of how much each country should contribute to this army could be worked out according to each specific country's ability and capability. This is not to say, however, that countries should now concentrate on building up their armies or increase expenditure on weapons and arms. Furthermore, the AU should take the lead in eliminating 'war economies' by ensuring that mineral wealth is not used to fund conflicts.

To this end, cooperation with the international community is necessary as legislation and protocols already exist that sanction the sale and purchase of diamonds, oil and other minerals from countries currently affected by war - examples of countries are Sierra Leon, Sudan and the Democratic Republic of Congo (DRC). There should be random tests and checks on the source of minerals sold and bought within specific mineral-rich areas. This process could be assisted by the ongoing talks among some mineral-rich African countries - such as South Africa, Sierra Leon, Angola, the DRC, Liberia and Nigeria - which show some interest in curtailing this trend. Essentially, for peace to prevail, it is important to have good governance.

A major task for the AU will be to make sure members democratise, and there should be no compromise on this issue. Democratisation comes with a heavy price, especially for those countries where there are still human rights abuses and autocratic leaders who have personalised their power. It has become fashionable for regimes to amend constitutions in order to extend their terms of office; they have also delayed or postponed elections in an attempt to lengthen their stay in power. The onus will be on the AU to rid the continent of such irresponsible and selfish tendencies; it will also be the AU's responsibility to coerce people (if necessary) to hold elections regularly, and to oversee the entire election process.

The AU will have to strengthen its ability to deal effectively with those countries and leaders that assume power unconstitutionally, as pronounced in Article 5 (g) of the Constitutive Act which supports the 'condemnation and rejection of unconstitutional changes of government'. The Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) was convened in Abuja, Nigeria, on 8 and 9 May 2000.[8] The conference will further strengthen the AU's ability and efforts at conflict resolution. The security aspect of the CSSDCA encompasses spheres of economic, political, social and environmental life. Consequently, the AU does not only have to concern itself with military conflict resolution, but also with conflict resolution pertaining to all spheres of life which could affect the safety and security of the continent. To this end, there is a commitment to support and strengthen the mechanism through the use of 'African statesmen and eminent personalities'.

At the continental level, this is already yielding fruitful results - the Burundi Peace talks, headed by former South African president, Nelson Mandela, resulted in the formation of a transitional government. The DRC peace talks, which are being headed by former Botswana president, Sir. Ketumile Masire, are also under way and peace seems eminent. The AU will also have to effectively deal with and eliminate the proliferation of small arms and light weapons, as these play a role in perpetuating intra- and interstate conflicts.

To achieve its goals, the union faces an enormous task to ensure and promote programmes that will enhance social and sustainable development. There is no doubt that the AU must consolidate its programmes and activities in order to assist with the realisation of the African Renaissance and NEPAD. History must not repeat itself. The AU must learn from past mistakes and all those involved must realise that without durable peace and security, Africa will never rid itself of its problems - ultimately, it will fail to develop and compete with the rest of the world equally.

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1.  10-10-2001
2.  Constitutive Act of the African Union,
3.  Loccit
4.  Mathoma, P, The Diplomacy of Conflict Resolution Southern Africa, Thesis, Johannesburg, 1992
5.  Loccit
6.  Makoa, F, *"the Challenges of the South African Military Intervention in Lesotho after the 1998 Elections"*, Lesotho Social Science Review, vol.5, no.1, 1999
7.  Opcit, www.oau-oua.org
8.  Draft CSSDCA Final Document

There is the need for a structural organ that would deal with the issues of conflict management in a more coherent, organised and authoritative manner

BY MWALIMU GEORGE NGWANE

# african security council

## as an organ of the african union

**T**he Preamble and Articles 4(d), (e), (f), (h), (i) and (j) of the African Union all recognise the need for a peaceful coexistence of member states; they also recognise the right of member states to live in peace and security. However, what the treaty leaves out is the mechanism by which these objectives could be achieved, as well as an organ that would be responsible for identifying emerging conflicts through early warning signals, and subsequently minimising them through the African Palaver Theory.

There is the need for a structural organ that would deal with the issues of conflict management - preventive diplomacy, peacemaking, peace-building and post-conflict reconstruction - in a more coherent, organised and authoritative manner. This organ could be called the African Security Council. What this paper seeks to show is the modus operandi of this particular organ. What would be its membership? How would it be funded? What would be its main role? How would it relate to the United Nation Security Council (UNSC)? These proposals were made in conformity with Article 32 of the Union Treaty, which provides for amendment and revision.

Writing for the *International Herald Tribune,* Ali Mazrui (1994) proposed the establishment of an African Security Council as a long-term solution to the problems exposed by today's crises. Mazrui suggested the council be composed of five

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

pivotal regional states which would oversee the continent. This council, he continued, would have at its disposal a Pan-African Emergency Force - essentially an army for intervention and peace-keeping. He concluded with a warning that 'if Africa [did] not follow this path, the lack of stability and economic growth [would] push the entire continent further into the desperate margins of global society.'

Cameroonian political scientist, Dr Ben Jua (1996:11), cautioned that if Africa was to escape its imminent irrelevance, it had to create an Organisation of African Unity (OAU) Security Council. Ali Mazrui's plan for security in Africa is borrowed from the modus operandi of the UNSC. Unfortunately, apart from the fact that the

UN itself is being called to walk the path of reforms, Mazrui's proposal is flawed by emotive words - such as recolonisation; auto-colonisation; tutelage; benign annexing; and so on - and his critics, such as Professor Archie Mafeje, not only exploited these emotive words to personalise the debate, but they also used them to trivialise a proposal, the loose ends of which could have been constructively tied together. Mazrui's proposal is controversial, like every debate. It sends a cold chill down the spine of African leaders who hold tenaciously to Articles 4(a), (b) and (g) of the African Union Charter, which all talk of sovereign equality among members; respect for borders; and the 'infamous' non-interference clause regarding the internal affairs of another country (2000:27).

These are catch 22 principles - if these articles were respected to the letter, they would enhance the mushrooming of weak states and would eventually result in the exclusion of continental unity.

If rejected, they would whet the annexationist appetite and destabilising spirit of African monsters, who have fragile states as neighbours. Either way, Africa's stability will remain precarious as long as its countries refuse to yield a measure of their boundaries to each other for cooperation. The raison d'Ítre of a European Union (EU) lies in the fact that all governments, irrespective of political complexion, now recognise that the era of absolute national sovereignty is gone. Visions of a peaceful continent, with no more boundaries between its people, are now being transformed into practical political decisions through the Conference on Security and Cooperation in Europe. Its these visions that motivated the OAU to adopt a Commission of Mediation, Conciliation and Arbitration in Cairo in 1993. Unfortunately, this institution was not given great attention. Lessons could be learnt from its shortcomings; it could also provide the African Security Council debate with additional intellectual, practical and Afrocentric impetus.

## Rationale

The main rationale for an African Security Council lies in the very principles and spirit that govern the African Union Charter. Included in the preamble of the African Union Charter is the following clause:

'Conscious of the fact that the major scourge of conflicts in Africa constitutes a major impedi-

ment to the socio-economic development of the continent, and of the need to promote peace, security and stability as a perquisite for the implementation of our development and integration agenda, we the heads of states...'

Article 4(d) calls for the establishment of a common defence policy for the African continent and its member states;

Article 4(e) calls for the peaceful resolution of conflicts among member states of the union through such appropriate means as may be decided upon by the assembly;

Article 4(f) prohibits the use of force among member states of the union;

Article 4(h) gives the union the right to intervene in a member state pursuant to a decision of the assembly in respect of grave circumstances such as genocide;

Article 4(i) recognises the need for a peaceful coexistence of member states and their right to live in peace and security;

Article 4(j) permits member states to request intervention from the union in order to restore peace and security.

The only organ that can perform the above functions is the African Security Council. In addition, it is true that one of the organs of the union is the Court of Justice. However, since Africans believe in the Palaver Theory (dialogue, reconciliation and reintegration), the council would be based on conflict prevention. In other words, the African Security Council would be a modern extension of the Palaver Theory, which would enable the path of preventive diplomacy to be exhausted before conflicting parties resort to the Court of Justice. Also, the task of mediation and negotiation has been entrusted into the hands of elderly statespersons - Julius Nyerere; Nelson Mandela; Amadou Toumani Toure; Masire; and so on - albeit in an ad hoc manner. This experience could be crystallised formally in order to fully legitimise and empower the members with regard to decisions made.

## Membership

According to Ali Mazrui, the African Security Council would consist of five pivotal African countries, which would represent the five sub-regions. By virtue of their geo-political/economic influence, these countries would act as security poles, or what Edem Kodjo calls development poles. The countries Mazrui proposes include Egypt in the North; South Africa in the South; Ethiopia in the East; the Democratic Republic of Congo (DRC) in the cen-

tral region; and Nigeria in the West. Alpha Oumar Konare (2001:6) suggests the council should include permanent members (countries not mentioned) without a veto power, and non-permanent members. Dr Adebayo Williams (1996:18) proposes that the council should be made up of respected African statesmen. As the author of this article, I take my cue from here and define statespersons as people who have proven (and continue to prove) their dedication to the welfare of the African people. These statespersons could be ex-presidents (some of whom are already mediating in conflicts on the continent); committed intellectuals; artists; trade unionists; non-governmental organisation (NGO) leaders; and so on. Such eminent individuals could be drawn from the five sub-regions of Africa and elected by the Pan African Parliament. Thereafter, they could be endorsed by the Conference of Heads of States.

## Peace Fund

The council would derive its funds from the establishment of a Peace Fund. Contributions towards this fund would come from the Pan African Visa, proposed by the OAU Club of Cameroon (2001:8). The visa would require that all visitors to Africa pay a solidarity entry visa fee of US$10 each. According to the president of the OAU Club of Cameroon, Dr. Maurice Tadadjeu (2001:8), this entry visa could produce about US$200 million annually. Part of this sum could be standing capital for the Peace Fund. Another source of income for the Peace Fund could be from a fixed percentage of member states' annual military budget (2000:136).

## Role

The main role of the council would be to prevent escalating conflicts from turning violent. Three main areas of intra-state conflicts are perceptible in Africa: governance, constitutional engineering and elections. On the one hand, the quality of governance is what has led to the disintegration of institutions. On the other hand, the loss of patriotism (nationalism) has been the cause of this disintegration. The absence of people-oriented leadership, which could crystallise the divergent dichotomies into symphonies of fraternity, has often been the bane of our body politic. Whether in a one-party, no party, or multi-party set up; whether in a civilianised-military or militarised-civilian regime, the outcome should be that of raising the living standards of the African people. The leaders and people of Africa should, with the education of

the council, be able to define democracy and development within their own contexts. Like development, democracy cannot emanate from external command. It has to evolve as a result of internal demand and rational consensus. This is the very reason why a group of African parliamentarians met in Abidjan on 8 and 9 July 1991, where they agreed that democracy had enjoyed a long and cherished tradition in Africa. In fact, democracy was born out of ancient African civilisation and has been inherited, with imperfection, by modern societies of the 20th century. Many of the parliamentarians expressed confidence that Africa could achieve its own democratic destiny, indigenous to its own unique culture (1992:179). As for development in Africa, it can only be enhanced by the tenets of the Abuja Treaty of 1991, complemented to a lesser extent with the new African Initiative that was established at the Lusaka OAU Summit in July 2001. Preventive diplomacy within the council could succeed through systematic civic education - brochures; magazines; print and broadcast media - carried out between members and civil society. To this end, sub-regional organisations, NGOs, the media, traditional leaders and women groups could serve as satellites and early warning units for the prevention of conflict. The council would hear all dissenting voices and would establish an inventory of potential conflict/war zones.

According to Ogunsanya (2000), peacemaking should, as a matter of standard practice, solicit views, opinions, experiences and values. With this information, the council could pressurise individual countries to accommodate polarised views. It should be able to monitor constitutional reforms and observe electoral processes. Only council members would have the supreme mandate to declare that constitutional reforms reflect the various leanings of the country, or whether the process leading to elections has been consensual, and also whether the election was free and fair (2000:130). Where the council is not satisfied with a country's performance on governance, constitutional talks or elections, it could propose sanctions, as provided for by Article 30 of the African Union Charter. Nonetheless, conflicts will exist. Where they do, the council should exhaust all avenues of dialogue, mediation and negotiation, following the traditional African pattern of 'under-the-tree' discussion. Members of the council should avoid the tragedy typical of the international community, which involves ignoring the conflict formation phase and early response mechanism.

## African Citizenship

The true symbol of peace and security in Africa would be seen not only through an institution like the African Security Council, but also in a more practical way through forging an African citizenship. African citizenship hinges on two factors: the psychological and the politico-economic. The psychological factor deals with our identity. The council must be the propaganda arm that, through its brochures and magazines, makes us see ourselves as one people with a common history of slavery, colonialism, apartheid and imperialism. We must know we all have common enemies to varying degrees, such as internal demagogy and external exploitation. These common factors should unite us and make us realise the need for a single voice. Consequently, more than ever before, this is the time to create an African visa, a single African currency and some common African languages. As for the economic factor - it deals with integration. Its time to break down colonial barriers and set up African bridges, so our people and goods can move freely across the continent. We need to improve the transport and telecommunication networks, and encourage trade and jobs to be exchanged among Africa's people. Its time Africa considered its colonial boundaries as transcontinental bridges, and not as sovereign barriers. Peace will be achieved once we establish the aforementioned African citizenship - one that transcends ethnic divide, neo-colonial linguistic cleavages, artificial geographical spaces and parochial national economic markets.

## African Security Council-United Nations Security Council

According to Berhanykum Andimicael (1976), there is the 'try OAU first' principle based on Article 52(2) of the UN Charter, which requires UN member states (which are also members of a regional organisation) to make every effort to achieve peaceful settlement of local disputes through the various regional organisations before referring them to the UNSC. When the role being played by the OAU within a particular context is not effective enough to remove such a threat, the UNSC or UN secretary-general is invited to intervene under Article 99 of the UN Charter. This Pax African ideal strengthened the authority of the OAU, as well as its claim that African problems should, as far as possible, be settled within an African context. Consequently, what I propose is for the African Security Council to capitalise on

this ideal in the form of a 'try African Security Council first' principle. This principle would avoid cultural embarrassments, such as those experienced in Somalia in1994; it would avoid ideological double standards, such as those witnessed in former Zaire in 1961; and it would eradicate bureaucratic red tape, such as that involved in Rwanda in 1994, as well as some other UN interventions in Africa.

Moreover, according to Leon Gordenker (1974), the UN has interests broader than those of Africa and may, at times, choose to subordinate African decisions in order to achieve a more general goal. In addition, the UN includes among its members precisely those governments which most frequently are accused of neo-colonial practices in African discourse; these same governments have also been accused of sowing the seeds of conflict on African soil. Be that as it may, the UN should study the possibility of strengthening the role of the African Security Council in the interests of promoting global peace and security. The UN should even consider financing this deliberative organ through the Peace Fund. Another organ of the UN with which the African Security Council could work is the United Nations Educational, Scientific and Cultural Organisation (UNESCO), particularly with its Culture of Peace Programme. This programme aims at building peace from a grassroots level, mainly through programmes in which players from all sides participate in the design and implementation of projects at community and national levels. Another major aspect of the programme is its conviction that lasting peace cannot be imposed upon a nation, as has so often been the case in the past. Instead, it maintains that peace must come from within a nation - from its people and their culture. As one village elder in Mozambique put it: 'You can bring the culture of war in a plane and humanitarian aid in a truck, but you cannot bring us the culture of peace because it is a tree deep in our land'(1994). The African Security Council should set out to nurture this tree and, hopefully, Africans will help the tree flourish. As for the creation of a Pan African Emergency Force, there are two ways the council could go about it: either by keeping a permanent force drawn from sub-regional forces; or by coordinating the activities of sub-regional peacekeeping forces within their respective sub-regions.

## Conclusion

Finally, whether the principle of an African Security Council is accepted or not, it is the people themselves that must accept the final responsibility for the prevention/resolution of conflicts. In the end, the real lesson we might learn from the proposals for the establishment of an African Security Council, is that for Africa to make a positive impact in the world, it must be integrated economically and united politically. If the new African Union is to make any contribution to the quality of life of the people on this continent, then Africa's leaders must remember that there can be no peace without development, and no development without peace.

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A small, but foresighted sacrifice now could prevent a generation of problems and suffering in the future
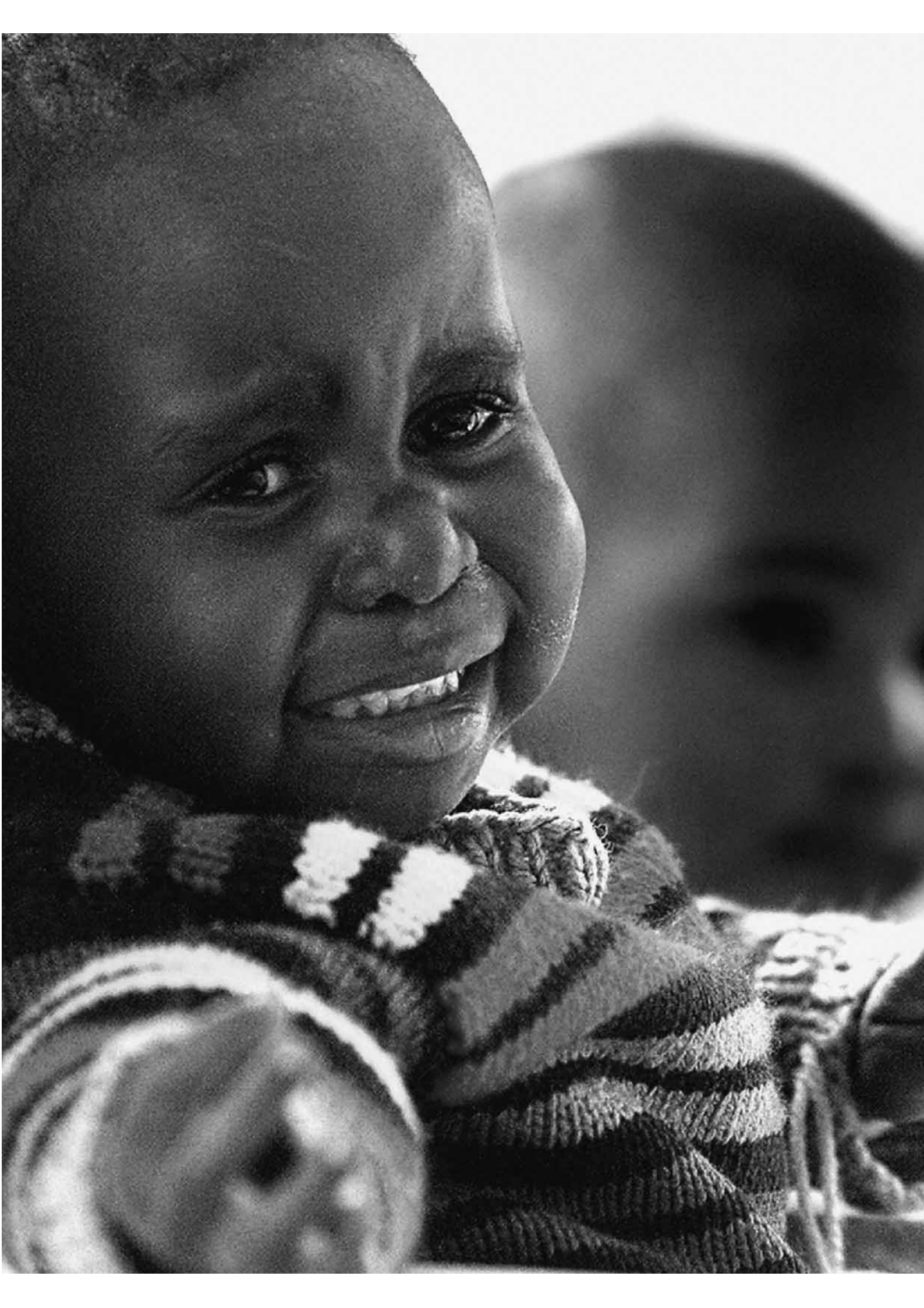
**AIDS**

BY RANDY B. CHEEK

# a generation at risk

The HIV/AIDS crisis currently ravaging southern Africa will exact a heavy toll on stability within a region already beset with many critical problems. The crisis could have significant implications for the international donor community. Southern Africa does not possess the resources to maintain social, economic and political order in the face of a 25% adult death rate over the next decade. This increased instability is certain to exacerbate existing security risks, demanding the attention - and perhaps the active participation - of the international community. This group of donor nations must decide what preventative steps it can (and will take) to increase the ability of regional nations to maintain stability in the face of the HIV/AIDS onslaught. Failure to act preventatively will ensure a much more difficult decision after stability and security have eroded – one that, in an extreme case, could involve the use of force.

One of the main contributors to regional instability would be the dramatic increase in the number of orphans resulting from the HIV/AIDS death rate. Children represent a potential threat to stability when their connection to existing familial and community structures is interrupted, leaving them ripe for exploitation. This can happen in two ways: either the ability of society to meet their needs could be diminished; or the numbers of children needing assistance could increase, swamping traditional coping mechanisms. HIV/AIDS alters the traditional equilibrium between social structures and orphans, decreasing the ability of society to respond, while simultaneously producing overwhelming numbers of orphans. HIV/AIDS is not the source of the problem – disaffected children are. Children are orphaned and exploited for reasons other than AIDS. However, by dramatically increasing the number of orphans, while at the

A HIV baby abandoned at the St Francis Care Centre for AIDS patients by her mother. Some 420,000 HIV babies (UN figures) are orphaned or abandoned by their parents in South Africa

Children orphaned by the AIDS epidemic in Malawi at the Tithanizane Orphen Care Center in Ndirane township, the biggest shantytown in Malalwi. The center is a pre-school to 209 orphans who lived within a 1/2 kilometre radius of the shantytown. 13% of Malawi's 11 million population is infected with the HIV virus.

same time decreasing the ability of society to respond, AIDS is expanding the scope of the problem, as well as the potential threat to stability. Existing as an 'extra national' population group, orphans (including those orphaned by AIDS) could easily become tools for ethnic warfare, economic exploitation and political opportunism - the example of 'child soldiers' in Sierra Leone is applicable. In this case, ongoing civil conflict eroded social structures and increased the number of orphans, providing the Revolutionary United Front (RUF) with the opportunity to exploit vulnerable children. In southern Africa, AIDS threatens to substitute for civil conflict, as the relationship between social and security concerns becomes clear. The AIDS orphan crisis in southern Africa is a prime case of the intersection of humanitarian and security interests. Investing a few 'ounces' now, in order to maintain the link between AIDS orphans and existing social structures, could prevent future political/security crises requiring 'pounds' of resources to cure the situation. The programmes and structures are already in place. However, there is a lack of adequate funding. What is needed is the political will and foresight of the international community to take preventive action.

The scope of the orphan crisis in southern Africa is well documented. However, the implications are often lost in the mind-numbing flood of data coming out of the region. By the end of 1999, there were more than three million documented AIDS orphans in southern Africa - a 36% increase

from 1998. Regionally, 6% of all children are AIDS orphans. Nationally, HIV/AIDS orphans range from a low 2% of the non-adult population in South Africa and Swaziland, to a high of 13% in Zambia and 16% in Zimbabwe. (Figures for Angola and the Democratic Republic of Congo were excluded due to ongoing conflict.) Given the reluctance of survivors to identify HIV/AIDS as the cause of death, the actual numbers are almost certainly higher.

However, as dire as the situation is, we are still at the beginning of the HIV/AIDS crisis. Although some evidence indicates that infection rates may have leveled off, the death rate has not – it will skyrocket in the next decade. While nearly 750,000 southern Africans died of HIV/AIDS in 1999 - more than 2,000 per day throughout the region, and 26.5% of all deaths worldwide - more than nine million are still living with the disease. That figure translates to 19% of all adults in the region. Nationally, infection among adults ranges from a high of 37% in Botswana, to a low of 14% in Mozambique.[1] Without a cure (and only a prohibitively expensive drug treatment 'available'), all will be dead within 10 years. Since HIV/AIDS in Africa is spread primarily through heterosexual contact, consequently striking the youth and women disproportionately, most, if not all, will leave young children behind. Given current projections, USAID estimates that by 2010, nearly 10 million of the 30 million AIDS orphans worldwide will exist in southern Africa - more than three times the current number.

As HIV/AIDS decimates the adult population - with infection rates averaging 20% regionally - the percentage of children orphaned by AIDS could approach 30% or higher regionally, thereby increasing the demands on remaining families and society.[2]

At the regional and national level, the implications of these figures are paralysing. For communities and individual families, the implications are corrosive. Before HIV/AIDS, African orphans were traditionally cared for within the extended family structure.[3] The coping mechanisms that had evolved were adequate to ensure the vast majority of orphans remained integrated within their families, communities and societies, with only small numbers existing on the margins as street children. Increasing urbanisation, which weakened traditional family and village ties, had already stressed this support system prior the onset of HIV/AIDS. However, it was not stressed beyond its ability to adapt. During emergencies, urban dwellers returned to their villages.

HIV/AIDS attacks this system at both ends, eating away at traditional support mechanisms for orphans, while dramatically increasing the numbers of orphans. According to Dr. Peter Piot, executive director of UNAIDS, 'half of all people with HIV become infected before they turn 25, and they typically die of AIDS while their children are too young to fend for themselves.'[4] Unlike random accidents or other diseases, HIV strikes entire families - especially women, the primary care-givers of children - leaving older grandparents as the only means of support. It is not unusual for a grandparent to be
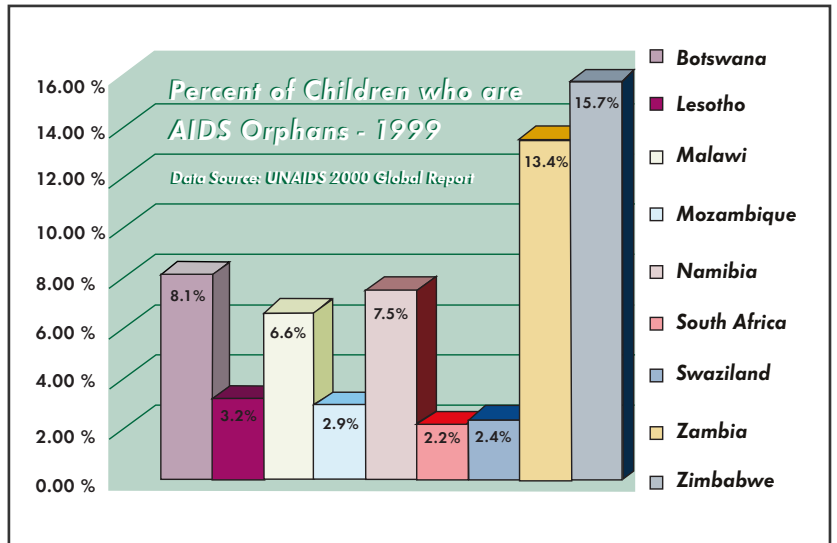


the sole provider for 20-30 children, often with little or no income. Carol Bellamy, UNICEF executive director, noted that 'the skyrocketing numbers of AIDS orphans is ... putting a severe strain on traditional support systems in Africa. The grandparents who, in so many cases, are taking care of their orphaned grandchildren, have limited resources. They cannot keep this up forever.'[5] When grandparents are not available, children serve as guardians - it is not unusual for 12 or 13-year-olds to serve as surrogate parents for five or six younger siblings.

Evidence of this systemic collapse is clear - in Zambia, more than one million street children were predicted for the year 2000. According to Zambian Development Permanent Secretary, Helen

A group of intern Doctors are forcibly removed by African National Congress (ANC) Marshalls and officials (L) for holding a peaceful protest with a banner titled ' Mbeki is wrong HIV causes AIDS' during the 90 years birthday anniversary celebrations of the ANC
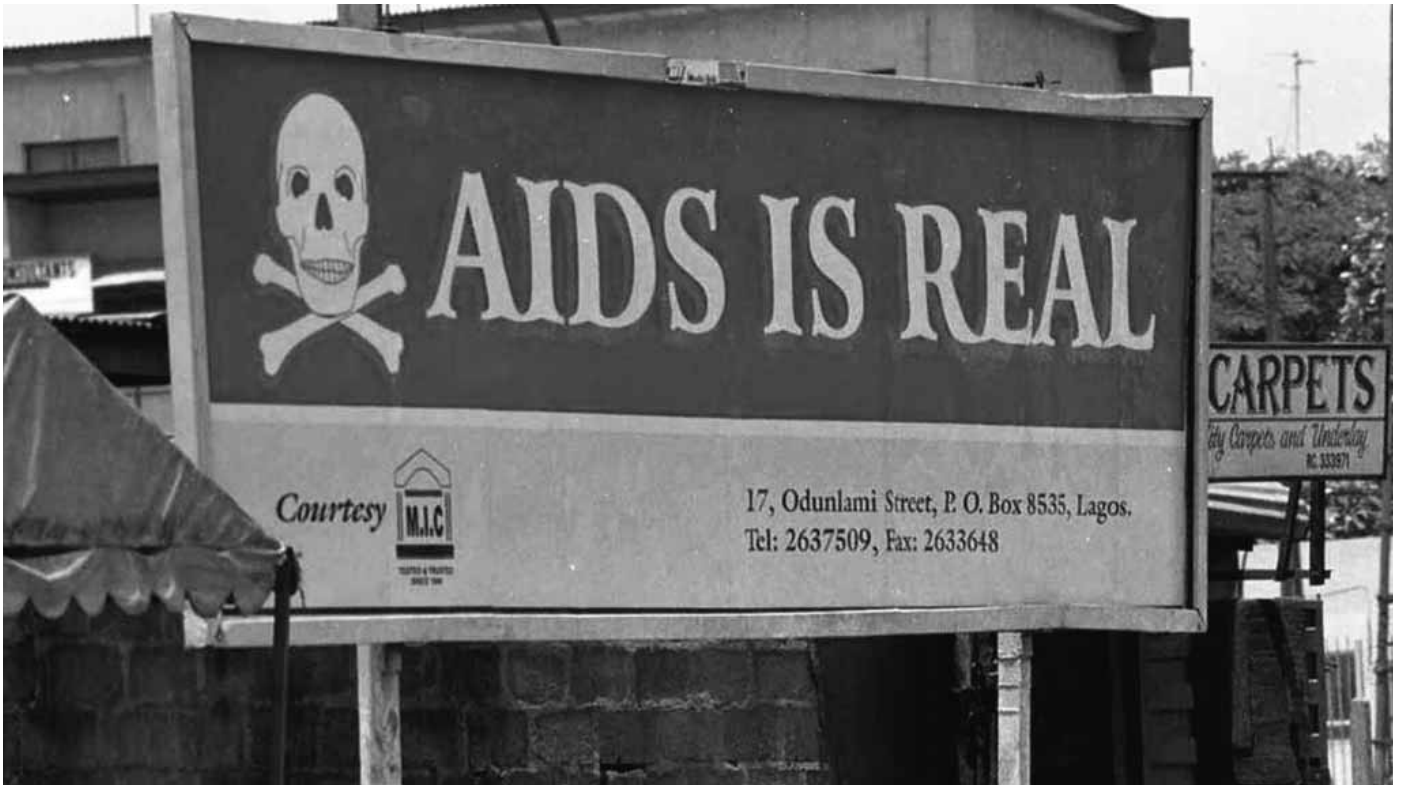
This signboard in Lagos, Nigeria, warns residents that the threat of HIV/AIDS is real

Matanda, support structures are already saturated, leaving nearly 150,000 orphans on the streets of Lusaka. These children exist by begging, stealing or trading sex for food.[6] In South Africa, the University of Natal Department of Psychology has produced a guidebook which contains coping skills for orphans serving as heads of households.[7] In Mpumalanga Province, the bulk of the entire social welfare budget is absorbed for the care of AIDS orphans.[8] In Zimbabwe, thousands of orphans roam the streets of Harare, Bulawayo and Mutare. In Swaziland, Namibia and Botswana, government officials admit that orphan support systems are already overwhelmed, and are in danger of collapse.[9] HIV infection rates among women between the ages of 15 and 24 are continuing to rise, suggesting that the orphan rate will increase dramatically. However, not all orphans result from parental death by AIDS. The disease is primarily responsible for the rapidly increasing numbers and the subsequent collapse of support systems. The increasing number of 'child-headed households' - the least desirable response for orphaned children - is a vivid indication that current coping mechanisms are saturated.
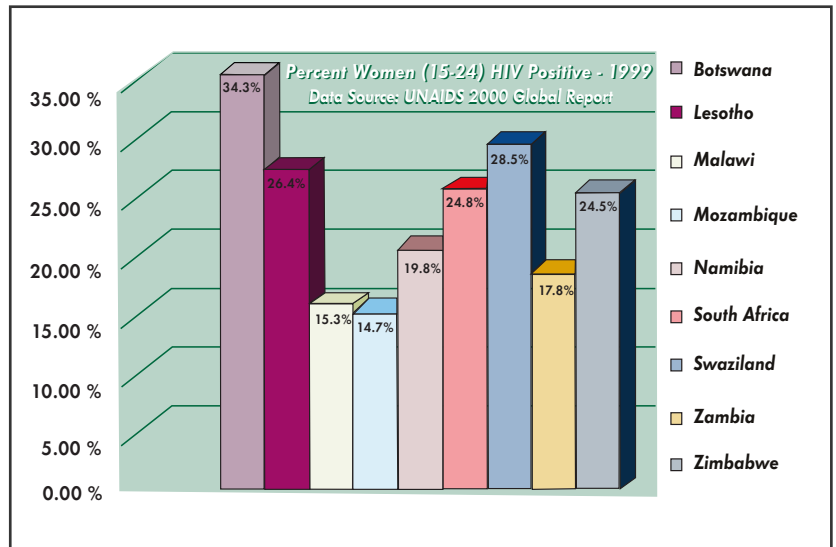
The implications of 'orphan-hood' for children are staggering. Those living with grandparents rarely attend school. Many are malnourished. Children heading households drop out of school and try to earn an income, usually with little or no skills. Crime and prostitution are often the only option. Those living on the streets basically lead wild lives - starvation, violence, crime and sexual exploitation are 'normal' activities. Having already experienced death, as well as the reality of survival on the streets, life for these children is short, harsh and cheap. They exist in a Darwinian world where
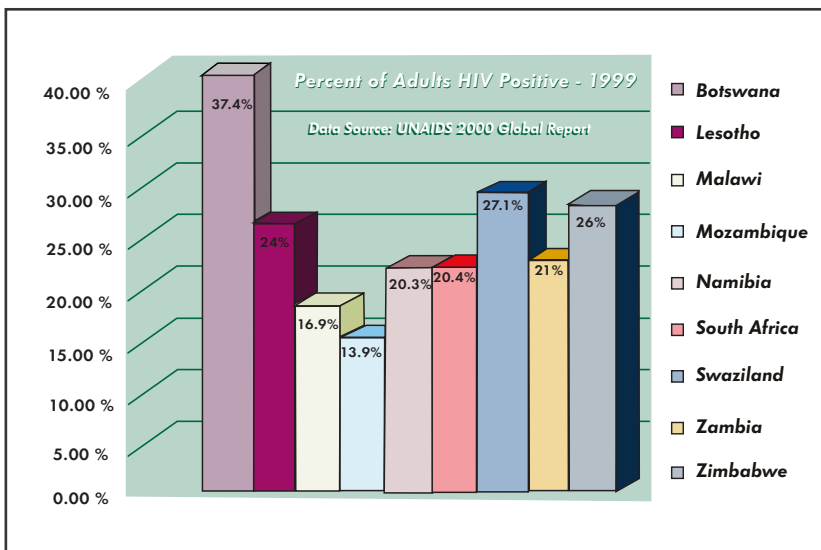
money is begged for or stolen, food is unreliable and education is irrelevant. Their ties to civilisation and society are continually eroded by the need to survive on terms they cannot control.

To further complicate the situation, HIV/AIDS is decimating the support infrastructure needed to save these children. Teachers, doctors, nurses and farmers are dying in unprecedented numbers - much faster than replacements can be trained. Medical care for HIV/AIDS patients is soaking up vast amounts of government resources which should be devoted to immunising children – in Zimbabwe, the current cost of caring for HIV/AIDS victims is projected to consume 2/3 of the national heath care budget by 2004.[10] At the macro level, economic growth will shrink as workers become less productive, and the healthy and educated workforce will contract by 20-30%. It is estimated that South Africa's economic growth will contract by 1% per year for the next decade, solely due to the HIV/AIDS epidemic. This will result in a 17% lower GDP and the wiping out of US$22 billion from the economy.[11] This decrease in available resources will further constrain the ability of regional governments to assist all orphans, including the growing numbers orphaned by AIDS.

The humanitarian disaster inherent in these figures is obvious, as is the need for Western nations to



Percent Women (15-24) HIV Positive - 1999
Data Source: UNAIDS 2000 Global Report

Botswana 34.3%
Lesotho 26.4%
Malawi 15.3%
Mozambique 14.7%
Namibia 19.8%
South Africa 24.8%
Swaziland 28.5%
Zambia 17.8%
Zimbabwe 24.5%

provide immediate and adequate assistance. An entire generation of African children is at risk. However, the growing numbers of AIDS orphans represent more than just a humanitarian catastrophe. The inundation of traditional support systems, and the resulting proliferation of unsupervised orphans, represents a direct threat to regional stability, which could result in civilian and military casualties due to ethnic and regional conflict. The experience of the RUF in Sierra Leone is illustra-

Children orphaned by the AIDS epidemic in Malawi look through the window of the Tithanizane Orphan Care Center in Ndirane township
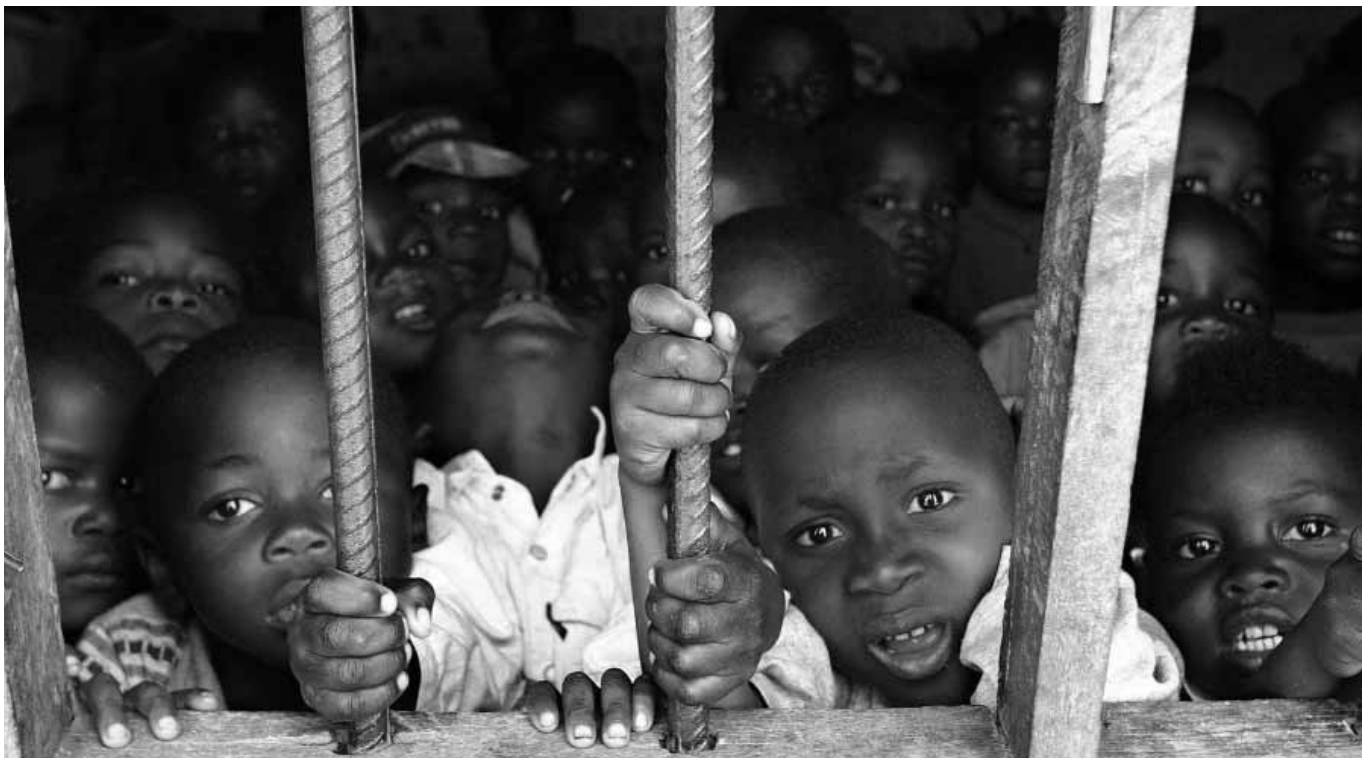
ANNA ZIEMINSKI /AFP

An AIDS-infected baby nestles in the arms of his care-giver at the Beautiful Gate Ministries HIV/AIDS Care Centre in Crossroads, Cape Town

tive of what can happen when social instability results in a mass of unsupervised children being exploited by an opportunistic leader.

In Sierra Leone, civil conflict eroded social structures, leaving thousands of children without family or community support. Foday Sankoh, leader of the RUF, recruited many children into the RUF with promises of food, alcohol, drugs and a perverted sense of family. Funded by diamond sales, Sankoh directed these children to terrorise, massacre and mutilate the population. RUF 'child soldiers' ravaged the countryside, surviving

through pillage and plunder, armed with guns and machetes. They killed and mutilated hundreds of thousands of people. Many of these 'soldiers' were young boys between the ages of 10 and 15. Young girls served RUF units as captive sex slaves in harems that traveled with the soldiers. The RUF experience in Sierra Leone was a nightmare perpetrated, in part, by exploited children under the direction of a charismatic leader, who filled a vacuum of parental and community support.

The conditions that led to the RUF holocaust are not unique to Sierra Leone. Indeed, they exist in many parts of sub-Saharan Africa. Ugandan military forces rescued hundreds of child soldiers from rebel 'Lord's Resistance Army' units in the late 1990s.[12] During the same period, both sides in the Angola conflict used children in combat.[13] HIV/AIDS is poised to replace conflict as a catalyst for social collapse, decreasing society's ability to meet children's needs, while increasing the numbers of those at risk. The term 'AIDS orphans' is perhaps, in some ways, inappropriate. The fact that children are orphaned by AIDS is not the critical issue. What represents a direct threat to security is the increasing numbers of orphans existing outside traditional social structures. HIV/AIDS does, however, represent the greatest single source of orphans, and does threaten to overwhelm the system. Hundreds of thousands of orphans roam the streets of cities throughout southern

## Southern Africa Debt Figures
### Data Source: World Bank, Aug. 31, 2000
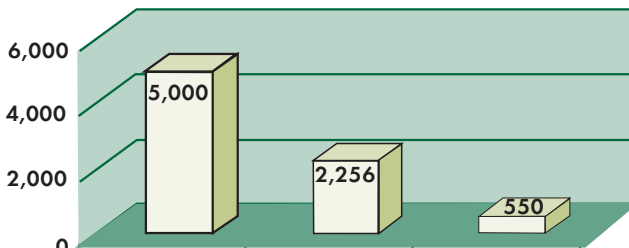
| | External Debt | HIPC Debt | Actual HIPC |
|---|---|---|---|
| Millions of US $ | 5,000 | 2,256 | 550 |

Africa. John Williamson, co-author of the USAID report, *Children on the Brink*, stated that 'the potential for unrest [and] social instability is pretty significant if you have a very substantial proportion of your population that has been undereducated, malnourished, marginalised ... no one can predict exactly what the consequences [will] be.'[14] This uneducated, malnourished and purposeless mass of children represents a potential army in search of a leader. Not all children at risk are AIDS orphans. However, by overwhelming the coping system, AIDS puts all orphaned children at risk of exploitation. Several potential scenarios for exploitation already exist.

Jonas Savimbi has pursued control of Angola for decades, and has used any means necessary to achieve his goals, including child soldiers. Drawing on the highly populated northern Namibian/southern Angolan region, he could recruit and equip an army from among the thousands of orphans who have become victims of the AIDS holocaust. In this way, he could terrorise Angola, Namibia, Botswana, Zambia and Zimbabwe.

In Zimbabwe, the recent actions of 'war veterans', under the former leadership of 'Hitler' Hunzvi, and under the current leadership of Joseph Chinotimba, provides another example of the havoc such an army could wreak. Augmented by hundreds of thousands of orphans, such a rebel force could destabilise Zimbabwe, Botswana, South Africa, Mozambique and Zambia.

While no potential leader currently exists in South Africa, latent bitterness over economic disparity and ethnic/racial tensions provide adequate tinder in search of a spark. Even without a formal leader, hundreds of thousands of street children roaming Johannesburg, Cape Town and Durban have the potential to destabilise South African society, which could lead to the exacerbation of an already serious urban crime problem.

Given the magnitude of the AIDS orphan crisis, and the limited support systems, it seems likely that regional stability will deteriorate during the next decade. It seems equally certain that the international community will be forced to respond. CNN and the BBC will be there as the children starve, and will document their efforts to survive by
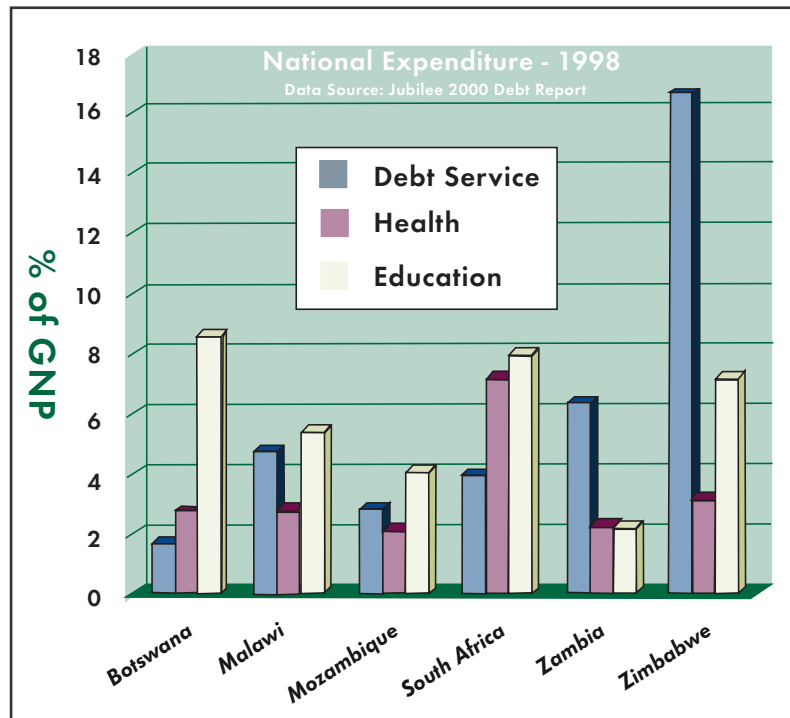


theft, violence and prostitution. If the worst happens, and an opportunist exploits these children to terrorise the region, conflict will erupt. If the orphan situation is not addressed, and regional instability threatens South Africa, it is conceivable that limited Western military forces could be required to engage rebel units. For any commander, such a prospect presents a no-win situation. Media reports of soldiers killing children, regardless of their rebel status, will not play well at home. Similarly, soldiers dying at the hands of rebels will erode domestic support for such operations. Clearly, it is in the interests of strategic security planners to address the AIDS orphan situation, before it demands such a problematic response.

The question is what can be done? Ignoring the situation until it spirals out of control will require an ad hoc, crisis response which the international community is so eager to avoid. Early action and commitment of resources could mitigate the disaster, or perhaps totally prevent it. Should Western nations choose the pro-active course, a variety of programmes are already in place to provide support for the growing numbers of orphans, including the AIDS orphans. The programmes are aimed at preserving their ties to family, the community and society. Those staffing such programmes know what to do and how to do it. What they lack are the necessary resources.

One solution to the lack of resources would be to address Africa's debilitating debt. Southern African nations currently spend a disproportionate amount of their scarce revenue to pay interest on long-standing loans, often the residue of authoritarian regimes which pursued Cold War agendas or corrupt 'kleptocracies'. With the exception of South Africa and Botswana, every southern African nation spends significantly more to service its outstanding debt, than it invests domestically in health care or education.[15] The figures for South Africa are misleading, as disparity in investment in health and education between the white and non-white population is just beginning to be addressed. Debt service represents an insignificant contribution to the G-7 and international financial institution's (IFI's). However, if invested domestically, it could double or triple African expenditure on basic human needs, and would also dwarf existing HIV/AIDS expenditures. Clearly, some form of targeted debt relief would dramatically increase the ability of southern African nations to care for the masses of orphans that will soon inundate them.

The United States and the European Union have already recognised the need for, and the long-term benefits of, debt relief. The existing Heavily Indebted Poor Country (HIPC) initiative represents an effort to address the African debt burden. Under normal circumstances (and in acknowledgment of its inherent flaws), the HIPC could play a role in encouraging sound African economic development. However, HIV/AIDS does not represent a normal circumstance. Economic growth will contract as much as 20% during the next decade, due to deaths among the educated labour force, as well as reduced productivity. This will decrease the ability of African states to meet development targets. As their economic base contracts and the level of debt remains the same, service - as a percentage of the GNP - will rise, drawing more resources from health care and education. Additionally, the HIPC does not go far or fast enough. Eligibility requirements - designed without considering the macroeconomic implications of the HIV crisis - prevent most southern African nations from participating. Currently, only Mozambique meets the HIPC requirements. The overly stringent entry requirements have tangible costs. Debt service during a six-month delay for entry into the HIPC costs Malawi the equivalent of providing classrooms for 120,000 children.[16] Also, as currently conceived, debt relief under the HIPC and the African Growth and Opportunity Act (AGOA) is back loaded in terms of benefits. It is too incremental to keep pace with the social and economic demands that have resulted from the HIV/AIDS epidemic.

Debt relief - or better yet, cancellation - must be redesigned, taking into consideration the social and economic demands of responding to HIV/AIDS. Currently, HIPC countries must submit a Poverty Reduction Strategy Paper (PRSP), which has to provide details on how funds made available through debt relief will be allocated. Other requirements include a commitment to democratisation;

A group of Zambian HIV-positive children at the Mother Theresa center in Lusaka. 83% of the cumulative global AIDS deaths have occurred in Africa

A newborn baby girl ( 1 hour ), daughter of a HIV-positive mother, recieves the anti-retroviral drug Nevirapine

transparency in spending; limits on military expenditures; and the resolution of existing conflict. These requirements and targets should continue. However, they must be augmented to include a comprehensive Strategic HIV/AIDS Action Plan (SHAP). Such a plan should include three components: a nationwide HIV education and prevention programme targeted at the entire population; investment in health care infrastructure in order to provide for those already infected; and a community-based commitment to repair the social and economic dislocations which have resulted from the HIV/AIDS crisis, including health care and education for orphans.

In its 2000 assessment, UNAIDS estimated that it would take US$3 billion annually to respond to the HIV/AIDS crisis in sub-Saharan Africa (US$1.5 billion for education and prevention, and US$1.5 billion for palliative care of those infected).[17]

Expanded debt relief could more than meet these targets. In 1998, Zimbabwe alone paid just under US$1 billion to service it's debt. South Africa paid nearly US$4.5 billion. Each citizen of Zambia owes US$720 to foreign creditors, while the GNP per capital is less than US$400. Regionally, for the six countries (excluding Angola, the DRC, Namibia, Lesotho and Swaziland) for which figures were available, southern Africa paid nearly US$6 billion in interest on its outstanding debt - four times more than is spent on health care or education. Little more than

US$500 million in foreign and domestic spending is directly targeted at AIDS in all of Africa.[18]

The need to target such investment of resources toward education and health care is great, and is becoming even more critical due to the HIV/AIDS crisis. Zambia currently spends US$3 per capita on health care, as opposed to the US$25 that is needed. In 1999, Malawi's external debt service equaled government spending on health care and education combined.[19] No less than 11% of Malawi's teachers die annually from AIDS - more than can be trained. A total of 70% of all hospital admissions are for AIDS-related illnesses.[20] In Zambia, nearly 3,000 teachers died from HIV/AIDS in 2000. Hospitals, while overwhelmed by the costs of treating AIDS patients, are understaffed and near bankruptcy. One third of all South African teachers are estimated to be HIV positive.[21] In South Africa's Gauteng Province, four of the main hospitals face a critical shortage of doctors, nurses and other trained professionals.[22] Statistics are similar throughout the region. Regionally, significant numbers of people lack access to safe drinking water. As a result, tuberculosis, malaria, cholera and dysentery are becoming rampant.[23]

The link between debt relief and addressing the HIV/AIDS catastrophe is well documented, both in theory and practice. Dr. Peter Piot, executive director of UNAIDS, noted that 'it's time to make the connection between debt relief and epidemic relief ... if the international community

A child from the Nkosi Johnson Haven – a shelter for HIV-positive mothers and children – cries during the funeral of Nkosi Johnson, the longest surviving child with AIDS in South Africa, who died at the age of 12. Nkosi, woke South Africa up to the impact of AIDS

relieves some of their [Africa's] external debt, these countries can reinvest the savings in poverty alleviation and AIDS prevention and care. If not, poverty will just continue to fan the flames of the epidemic.'[24] Debt relief allows poor countries to channel scarce funds into health care and education, making the population more productive and governments more stable. Former US treasury secretary, Lawrence Summers, tied debt relief directly to western interests when he stated that 'freeing up billions of dollars to ... fight the scourge of AIDS and fund other poverty reduction efforts in the poorest countries around the world ... will help stabilise countries that are at risk on many fronts. The case for providing debt relief is therefore overwhelmingly in our national interest.'[25]

In practice, debt relief as an engine for addressing HIV/AIDS has been tested - with great success - in Uganda. Recognising HIV as a direct threat to national survival, President Museveni mobilised the resources of the entire Ugandan government to coordinate an interdisciplinary response to the epidemic. Funded in a large part by debt relief, and with the focus on prevention and patient care, Uganda reduced its infection rate from more than 25% in 1992, to less than 10% today.[26] Utilising existing aspects of civil society, Uganda integrated nearly 250,000 AIDS orphans back into its existing social structures, and provided for the education and maintenance of familial and community ties. These children now have the opportunity to grow into productive adults and contribute to rebuilding their country, instead of being a continuing drain on resources and a threat to social stability. The results achieved in Uganda can and must be extrapolated throughout southern Africa.

Although choked by meager resources, programmes do exist. Using Uganda as a model, Malawi has developed a multi-pronged, decentralised system to provide community-based care and support for AIDS orphans. Its system also includes health care and education. However, it is woefully deficient in staff, resources and funding. Numerous civic and religious NGOs are already providing food, housing, and money for schooling to extended families, where they exist. They have also

set up well-funded, community-based parenting, where necessary. Street children in Lusaka flock to schools and soup kitchens run by the NGOs. Their numbers and funding must be increased by several orders of magnitude. Additionally, Zambia and Botswana have established programmes to support AIDS orphans at the local level, providing food and other support to communities and extended families. Both programmes are insufficient in scope and suffer from a lack of funding. Debt relief would provide the resources needed to implement these programmes nationally.

Any effort to address the AIDS orphan crisis, and preserve social stability in southern Africa, would hinge on the political will - regionally and internationally - to fight all aspects of the HIV/AIDS pandemic, including education and prevention. As long as new infections outpace deaths, the orphan problem will increase. As bad as the situation is now, the crisis will only get worse. Nigeria, with 12% of the sub-Saharan population (120 million), has an infection rate of nearly 5%.[27] Countries that have reached 5% infection rates have seen the HIV/AIDS virus rapidly expand from high risk groups throughout the general population, with adult seropositive rates approaching 25-30%. Should Nigeria experience infection rates similar to those of South Africa, the numbers of deaths and orphans in sub-Saharan Africa will skyrocket.

The resources needed to care for AIDS orphans are insignificant compared to the costs of addressing widespread regional conflict. Targeted debt relief (or the cancellation thereof) would provide the necessary funds to address prevention, care and reconstruction. Two things are certain. Firstly, if not another person in southern Africa had to contract HIV, by 2010 there would be 10 million AIDS orphans in southern Africa. Secondly, those who do not starve to death, or die of AIDS themselves, will grow up to be 'some sort' of adult: they could be educated, socially responsible men and women who would contribute to rebuilding a region decimated by HIV/AIDS; or they could be social pariahs responsible for unimaginable death and destruction. What sort of adult they become - and the final cost to the West and southern Africa - will largely be determined by what the international community chooses to do now. A small, but foresighted sacrifice now, on the part of the West, could prevent a generation of problems and suffering in the future. 

## Endnote

\* Randy B. Cheek is a Senior Fellow and African Analyst for the Institute for National Strategic Studies at the National Defense University

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SIMON MAINA /AFP

A brief look at the constitutional reform process in Kenya - the main players, their strategies and roles, as well as the prospects and obstacles to constitution-making

# CONSTITUTIONALISM

BY PROF KORWA G. ADAR

## constitutionalism in

# kenya

**T**he repeal in 1991 of Section 2A of Kenya's constitution paved the way not only for the introduction of a multi-party electoral state system in 1992, but it also laid the foundation for a comprehensive constitutional reform process. Section 2A stated that: 'There shall be in Kenya only one political party, the Kenya African National Union (KANU)'. By the time the multi-party elections were held in 1992, more than eight political parties had been officially registered, with the number increasing to 27 in 1997. This study will provide a brief cursory of the constitutional reform process in Kenya. The main players, their strategies and roles, as well as the prospects and obstacles to constitution-making, will all be discussed.

## A: The Character of the Constitution in the pre-1992 Multi-party Dispensation

Apart from the oppressive colonial laws that were inherited at the time of independence in 1963, there were a number of constitutional amendments that were instituted by the Kenyatta and Moi administrations between 1964-1990, which transformed the country into authoritarian *de facto* (1964-1966 and 1969-1981) and *de jure* (1982-1992) one-party state systems. These laws centralised power within the executive arm of the government, undermining the relevance and administrative effectiveness of all other government insti-

tutions. For example, while the Preservation of Public Security Act and the Public Order Act allowed the detention of any suspect without trial and restricted freedom of movement, the Chief's Authority Act conferred on the local administration chiefs the authority to restrict freedom of movement, as well as other rights. On the other hand, the Public Order Act empowered the District Commissioners (DCs) with the authority to issue licenses for public gathering. The DCs also had the prerogative to cancel such meetings whenever they considered them to contravene national security. These laws allowed the president the right to declare security zones and a state of emergency without limitation. The Defamation Act - particularly the penal codes that provided for sedition laws - gave the executive the right to arbitrarily restrict freedom of expression. The other oppressive law that was frequently invoked by the administrations was the Societies Act, which restricted freedom of association and prohibited organisations from acquiring registration.

## B: The post-1992 Constitution-Making Debate in Kenya: The Maximalist and Minimalist Perspectives

The establishment in 1993 of a task force to oversee the reform of the penal code laws and procedures by the attorney-general, Amos Wako - as well as President Moi's announcement during the 1995 new year's eve celebrations that his government was to institute mechanisms for constitutional change - were in reaction to growing internal and international pressure to institute a tangible comprehensive constitution-making process. At the forefront of this process has been a conglomeration of pro-democracy and human rights advocates, in particular the religious bodies; the Law Society of Kenya (LSK); opposition political parties; the Citizens Coalition for Constitutional Change, commonly known as the 4Cs (a non-governmental organisation-NGO-comprising of registered and non-registered organisations), and its executive wing, the National Convention Executive Council (NCEC); the International Commission of Jurists (ICJ); the International Federation of Women Lawyers; the NGO Council; the Kenya Human Rights Commission (KHRC); the Universities Academic Staff Union (UASU); as well as other members of civil society. These civic and religious organisations established what became known as

the National Convention Assembly (NCA), which advocated a *maximalist* approach to constitutional and legal reforms.

The NCEC, the NCA and the 4Cs brought together all the stakeholders for a series of conventions in 1997, which were designed to chart the way forward regarding the question of a comprehensive constitution-making process. For the most part of 1997, the Moi administration refused to facilitate a holistic people-centred constitution-making project, as suggested by the *maximalists*. However, intensified pressure through demonstrations by the pro-comprehensive constitutional reform movement, as well as the withholding of more than US$215 million financial aid by the International Monetary Fund (IMF), forced the Moi administration to accept the 1997 Inter-Party Parliamentary Group (IPPG) meeting, which involved KANU and various opposition parties. Throughout the 1990s, the Moi administration insisted that it was parliament that had the prerogative and mandate to review the constitution. Essentially, it took a hardline minimalist parliament-centred perspective. A decision by the opposition parties to resolve the constitution-making stalemate within the framework of the IPPG, removed the momentum away from the *maximalists*, and was considered a betrayal by most members of the NCEC, NCA and the 4Cs. As a result, President Moi succeeded in creating a wedge between the ranks of the advocates for the comprehensive people-centred constitution-making project. Moi, once again, succeeded in bringing the constitution-making process under his control. On the other hand, President Moi demonstrated to the international community that he was willing and ready to compromise on matters of national importance.

The IPPG members agreed on a number of reforms, some of which (at least on paper) met the expectations of their critiques. Firstly, the Electoral Commission of Kenya (ECK) was reorganised to include a total of 21 representatives from the opposition parties and KANU, with the government required to 'de-link' itself from the commission. Secondly, the IPPG abolished the colonial laws that were inconsistent with the multi-party electoral dispensation. Specifically, the requirement for permits in order to hold public rallies and meetings, provided for in the Public Order Act, was replaced with simple notification to the police. Seditious and detention clauses contained in the Preservation of Public Security Act, and the penal codes in the Defamation Act, were outlawed. Thirdly, the IPPG

recommended the immediate registration of all political parties which had been denied registration. The Registrar of Societies was given 120 days to decide on the registration of applications submitted for consideration, with a 90-day appeal allowance in the law courts regarding cases where registration had been denied. Fourthly, it put in place a requirement that the Kenya Broadcasting Corporation (KBC) - the main radio and television mouthpiece of the government and ruling KANU party - provide equal time to all political parties. Finally, the president's prerogative to unilaterally appoint 12 members of parliament was replaced with a system based on a political party's proportional representation in parliament.

However, the IPPG failed to impose limitations on the presidency, particularly with respect to the constitutional offices and the appointment of ECK members. Even though the opposition political parties had the prerogative to nominate members of the ECK, the final decision rested with the president. However, what was more disappointing for some of the opposition members of the IPPG was that the president dissolved parliament before the administrative requirements for the implementation of the reforms, as agreed upon by the parties, were put in place. Instead, preparations for the general elections were quickly put into motion, thereby giving opposition parties limited time to prepare. Most of the pending issues were deferred to the Constitution of Kenya Review Commission (CKRC) - a body established in 1997 by parliament, with the aim of preparing ways and means for the constitution-making project after the elections. The establishment of the CKRC was a clear indication that the IPPG constitutional reforms package was regarded as minimal. The IPPG legal regime did not alter the fundamental constitutional framework that prevailed in the country. Instead, the minimal reforms legitimised Moi's control of the political system and constitution-making project. The executive branch still controlled more power vis-a-vis the legislature and judiciary.

The Moi administration's refusal to provide an enabling environment consistent with a multi-party electoral dispensation, continued to manifest in a number of ways - there were frequent arrests of opposition leaders and government critiques; the registration of some political parties was denied; there continued to be a lack of openness and accountability; there was interference in the electoral process; there was interference with the judiciary; ethnic cleansing occurred; and control of the

media continued. Indeed, it is fair to say that the disagreements and disintegration of opposition parties continued to undermine the possibility of creating a comprehensive constitution-making project.

## C: The Maximalists vs Minimalists in the post-1997 Electoral Dispensation

The centrifugal and centripetal forces supporting the different perspectives of the constitution-making process, which were reminiscent of the pre-1997 multi-party general elections, spilled over at the end of the elections. The ruling KANU party, the National Development Party of Kenya (NDPK), *the Shirikisho* Party, the Kenya Social Congress (KSC) and the African Inland Church all continued to advocate for a *minimalist* parliament-centred constitution-making project, and they successfully lobbied for the passage of the Parliamentary Select Committee (PSC). On the other hand, most of the NGOs - particularly the religious organisations (the National Council of Churches-NCCK; the Catholic Church; and the Supreme Council of Muslims-SUPKEM); the LSK; the ICJ; opposition parties; the NCEC; the NCA; the 4Cs; and the UASU, as well as other human rights and pro-democracy movements, which are together known as the *Ufungamano* Group - supported a *maximalist* or people-centred approach to constitutional reforms.

At the centre of the *maximalists'* approach to constitution-making is the concept of sovereignty. The *maximalists* (or people-centred advocates) focus attention on the fact that it is the people who are sovereign, and not the state. In other words, a state derives its sovereignty from the people who, by extension, have the natural rights and obligations to put in place a social contract (constitution) consistent with their socio-cultural and econo-political values, and *modus operandi*. The social personality of a people and the state they occupy remain, irrespective of the political changes. In other words, governments change, but the people and state continue. Thus, according to the *maximalists*, it is this continuity of social personality and inherent natural rights that confer the custodial responsibility of constitution-making on the people. It would, therefore, be inconsistent with democratic principles and human liberties if the people were denied their inherent natural responsibility.

On the other hand, the *minimalists* (or parliament-centred advocates) focus attention on the view that parliament, as the sole and legitimate

people's representative, is endowed with the responsibilities of constitution-making. Specifically, people surrender their sovereignty by electing their representatives to parliament. However, such a view has no relevance and legitimacy, particularly in a country like Kenya, where elections are not free and fair. Not every eligible voter participates in elections. For example, during the 1992 multi-party elections, more than three million eligible voters were denied their constitutional right to vote because of a lack of identity cards. The relevance of parliament-centred constitution-making is also rendered nugatory due to a number of flaws. These include presidential dominance of other institutions for governance (that is, the judiciary and parliament); presidential control over the ECK; gerrymandered constituencies; a first-past-the-post electoral system (the majority of Kenyans did not participate in the 1992 and 1997 elections); and parliamentarians who have been associated with corruption.

It is also important to note that a distinction needs to be drawn between popular sovereignty (people-centred) and legislative supremacy (parliament-centred). Kenya's constitution - particularly Sections 3 and 47 - only empowers parliament to build on what already exists. Constitution-making is a sovereign exercise which the people (the legislatures included) engage in as private citizens. A holistic approach to constitution-making, in which all the stakeholders are directly or indirectly involved would, in the view of the maximalists, lay the foundation for a viable and enduring social contract.

## D: The Way Forward: Future Prospects

The post-1997 IPPG constitution-making discourse has witnessed a number of developments which require some appraisal. The continued ethnic cleansing during the post-1997 general elections sparked protests among Kenyans, particularly the religious organisations, the LSK and other civic NGOs. The central view of these organisations - which are together known as the *Ufungamano Group* - was that the best way forward for Kenya was the conclusion of a new constitutional dispensation. As a result of such pressure, the Moi administration, under the chairmanship of the attorney-general, Amos Wako, convened an Inter-Party Parliamentary Committee (IPPC) at the Bomas of Kenya in 1998. It was attended by more than 400 delegates, and mapped out what was dubbed *the way forward*. Initially, a wedge within the *Ufungamano Group* -

particularly between the churches and the NCEC - widened due to the NCEC's refusal to participate in the deliberations, which were dominated and controlled by the government. The most contentious question was the issue of the ownership of the constitutional review process. The government insisted that it should be centred within the ambit of the revised CKRC. The modalities for the constitution-making were further deliberated in 1998, with the participation of some NCEC members, as well as members from some other NGOs which represented the *Ufungamano Group.*

The differences remained between the church-led *Ufungamano Group* initiative (which was dubbed the People's Commission) and the Parliamentary Select Committee (PSC)-led group. The 1998 Safari Park III and IV meetings did not resolve the most contentious issues, particularly regarding the number of representatives to be nominated by each group as CKRC commissioners. Chairman of the PSC, NDPK leader Raila Odinga, nominated Professor Yash Pal Ghai to head the CKRC. Professor Ghai brought with him moderating and diplomatic skills, which eventually brought the two groups together. One of the outstanding contentious issues regarding representation on the CKRC was finally resolved in June 2001. Taking cognisance of the interests of the heterogeneous groups in society, the *Ufungamano Group* agreed to nominate 10 (out of a total of 27) CKRC commissioners, with the rest being nominated by the PSC. Since President Moi approved the CKRC Act, the commissioners have been collating views from various groups and individuals across the country. The success of the CKRC depends on the extent to which it will carry out its mandate independently, as provided for in the Act. However, if history is anything to go by, some influential individuals within the government may derail the exercise. What is needed is political expediency on the part of the leadership, in order to allow free and fair conclusion of the exercise prior to the 2002 multi-party general election.

## Endnote

BY SENZO NGUBANE

# Africa in the New Millennium: Challenges and Prospects

by Eddy Maloka and Elizabeth le Roux. 2001. Africa Institute: Pretoria. Pp. 143.

African development has become the subject of much debate and discourse since the dawn of the new millennium. Much of the discourse has focused on establishing what the critical issues are that face Africa in this new era - what needs to be done to rid Africa of most (if not all) her problems in order to change the status that this continent acquired during the previous century. These seem to be appropriate questions, particularly since the new epoch has been declared an African century! The new millennium is viewed as an opportunity for Africa to enjoy a new lease of life; to advance like all the other continents. This, however, will only be possible once appropriate programmes are put in place. In addition, such programmes could not be conceived without an accurate diagnosis of Africa's challenges, and its prospects to overcome such challenges.

The book, entitled *Africa in the New Millennium: Challenges and Prospects*, edited by Eddy Maloka and Elizabeth le Roux, has set itself the task of contributing to this ongoing discourse about Africa. It identifies the socio-economic and political ills in Africa and also proposes possible ways of dealing with such challenges. It is divided into two separate sections; the first one focuses exclusively on Africa's economic challenges in the face of globalisation and the ever-changing world order; the second section delves into the information and education challenges that face the continent. Part one consists of four chapters, all of which cover a broad spectrum of issues within the sphere of Africa's economic challenges. For instance, the first chapter (by Hassan O kaya) focuses on the political economy of Africa and what needs to be done in order to unleash Africa's economic potential. The one exception to this section is the chapter by John Akokpari, which deals with the broad challenges that Africa must deal with in order to reclaim her rightful place in the world. Akokpari mentions issues such as conflict and war; faltering democratisation and instability; and economic crisis and poverty; as part of an exhaustive list of challenges that face the continent.

The second section contains five chapters, which reflect on the complex nature of Africa's information and educational challenges. The first chapter is written by Kibet A Ng'etich, who exposes the gap between what he calls the 'information rich West' and the 'information poor Africa' (78). According to Ng'etich, one of the key challenges that faces Africa is how to bridge the gap created by the technological advancements witnessed in the 'information rich West'. Sulaiman Adebowale's contribution focuses on civil society and education in Africa. Essentially, the chapter looks at the role that civil society should play in the dissemination of information. It also focuses on how civil society could partake in civic education on the continent. The author perceives the role of civil society as central to transferring knowledge on important issues of governance, such as human rights at various societal levels. The last chapter (by Nkonko Kamwangamalu) focuses on the issue of Africa's indigenous languages, as well as the African renaissance movement. The author argues from the onset that no other country in the world has ever undertaken its development based on a foreign language (131-132). Consequently, the author boldly asserts that because of the aforementioned statement, there is a need to revive African languages and use them as the medium for learning and teaching. This, according to the author, would ensure that the people are involved in the processes of change in Africa - in essence, the author argues that an African renaissance could take on many different forms. Consequently, language (and the use thereof) has a huge role to play.

The book suffers from some weaknesses, including the fact that the title creates the impression that it covers a broad spectrum of issues. On the contrary, it only focuses on two aspects: Africa's economic and educational challenges. However, it covers these two aspects well, as such it shows that the road to Africa's renaissance is not yet cast in stone. Rather, it is going to be a grueling process that requires Africans to uncover and investigate all the issues that could affect the continent's renaissance movement.