contents

The twentieth century was not kind to Africa. It started with almost the entire continent under the rule of some or other European power. However, there were high hopes for Africa with the start of the decolonisation process in Nkrumah's Ghana. Sadly, the continent's hopes were not realised. Decolonisation was followed with new forms of control. For example, multinational corporations and international financial institutions imposed various structural adjustment conditionalities. In addition, state structures inherited from former colonial powers were both authoritarian and weak. Consequently, independent African States could not meet the basic needs of their citizens. The inevitable result was social agitation and conflict – hallmarks of contemporary African polity. Authoritarian despots – in the form of the Amins', Bokassas' and Mobutus' – began to appear and further entrenched the notion of a crisis-prone continent.

However, much progress has been made to further democratic practice on the African continent. Since 1972, Freedom House (a non-profit, non-partisan organisation) has published annual assessments on state freedom. Each country is assigned the status of 'free', 'partly free' or 'not free' by averaging their political and civil liberties ratings. Those whose ratings average 1–2.5 are considered 'free'; ratings of 3–5.5 are labelled 'partly free'; and scores between 5.5–7 are 'not free'. It is quite encouraging to note that Benin, which received a 7.5 rating in the 1972-73 survey, moved to 3.2 in the 2001-2002 survey; Senegal moved from 6.6 to 3.4 during the same period; Botswana from 3.4 to 2.2; Ghana from 6.6 to 2.3; Lesotho from 7.4 to 4.4; and Mali from 7.6 to 2.3. What is interesting to note is that progress has not spared war-ravaged countries, such as the Democratic Republic of the Congo (DRC), which moved from 7.6 in the 1972-73 survey, to 6.6 in the latest one. The underlying message is that, while significant progress has been made, there is still much more work to be done. However, our disposition is one of optimism. Our optimism has been reinforced by developments both regionally (in the form of the proposed African Peer Review Mechanism of NEPAD, and the Peace and Security Council of the AU) and internationally (with the establishment of the International Criminal Court).

The dawn of the twenty-first century has witnessed Africa's leadership respond more vigorously to crisis on the continent. There has also been a general acceptance of the fact that the post-colonial African state must return to a more democratic order – one that would be responsive to the needs of its citizens. This acceptance has been captured in the founding documents of the New Partnership for Africa's Development (NEPAD) and the African Union (AU). We, at ACCORD, are quite aware that the need for more democratic polities stems not only from the inherent benefits of democracy itself, but also because democracy, in itself, is an effective conflict management tool. This is one of the reasons why ACCORD plans to learn how to use conflict management as a tool to enhance effective governance in Africa. Within this context, it becomes necessary to look at how proper conflict management can assist public sector transformation. We also need to focus on the thorny issue of constitutional-making processes, in relation to democratic consolidation. Consequently, it is our firm belief that by providing avenues through which to air grievances (such as the courts), democratisation – as it relates to good governance – is an effective tool for transforming violent trajectories to non-violent ones. In this sense, democratisation becomes an effective tool for conflict prevention and mitigation. It is for this reason that this special issue of *Conflict Trends* is dedicated to democratisation in Africa.

Most of the articles contained in this edition go a long way towards reflecting on the aforementioned topic. For instance, the first part of this edition focuses on the politics of identity. Here, Henwood comments on the recent bombings in South Africa, and Yoh looks at the Machakos Peace Process in the Sudan. Furthermore, de Klerk and Molukanele focus on four southern African countries that are already grappling with the concept of democracy – they are Zimbabwe, Angola, Malawi and Mozambique.

The first section serves as a good prelude to the other three articles, which focus on the process of democracy in Africa. This part begins with an article by Liebenberg, which is a critical reflection on the theoretical underpinnings and the relevance of the Western concept of democratic consolidation in Africa. Mbugua traces the evolution of democracy in Kenya – he focuses on the key challenges that faced the country during its progress from one-party state to a plural democracy. On the other hand, Seleoane looks at how Lesotho managed to hold a relatively successful election (after much pre-election turmoil) in 1998. Lastly, Maundi delves into the pertinent issues and challenges that face Tanzania while it attempts to consolidate democracy. In doing so, he highlights the differences between democratic transition and democratic consolidation. ⚑

South Africa faces up

to the threat of

political extreamists

BY ROLAND HENWOOD

SOUTH AFRICA

soldiers
of folly ?

The recent Soweto bomb explosions raise some serious questions about the ostensibly peaceful state of politics in South Africa. The explosions came as a sudden shock. They reminded us of a not too distant and violent past; a past that we hoped had been relegated to the history books. The organisation that claimed responsibility for the bombs – the *Boerevolk-Krygers*[1] (Warriors of the Boer Nation) – represents the extreme right of the South African political spectrum. It is possible that the Boerevolk-Krygers may be linked to the recent arrests of numerous individuals reportedly involved in plans to overthrow the South African government. One demand they made was for the release of 18 individuals, who were arrested for allegedly being involved in the plot.

At this point, it may be valuable to give a general analysis of the dynamics that so often cause this type of discontent. One needs to assess how

effectively the state is functioning, and how much support a government and its institutions enjoy from the citizenry. This support will be determined by how well a government adapts to changing circumstances, as well as how well it interacts with its citizens. Success in these two areas will contribute to the legitimacy – and thereby legality and acceptability – of a government.

Legitimacy contributes to civil order. Civil order indicates satisfaction with the distributive function of a government. The distributive function of a government is particularly important, as it rests on the principle of equality. Equality is determined by free access to all material goods controlled by government. It is also determined by the equal representation of those values that people hold dear. Such values – of both majorities and minorities – would include language, religion and culture. In this regard, satisfaction is based on perception, and not necessarily the factual situation created by

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South African bomb squad policemen search through debris at a Soweto mosque, which was hit during the night by a bomb blast, as part of a series of nine explosions around the township

resort to violence when they believe they have more to gain than loose – for example, when the existing political order is perceived as unconstitutional and totally illegitimate. In this case, it serves very little purpose to focus on the nature of constitutional politics as a way to resolve conflict. This was alluded to in a statement from the *Boerevolk-Krygers*, which claimed that the action in Soweto was the beginning of the end for the ANC government.

There may be several underlying reasons for engaging the South African government in a campaign of terror:

- the rejection of the constitutional dispensation and government in South Africa;
- the belief that government policies are aimed at ignoring and destroying those things which this group holds dear;
- the absence of a credible leadership to represent the extreme right within the formal and constitutional political process;
- a lack of popular support, which thus limits the possibility of achieving political objectives through constitutional politics.

In conclusion, one needs to evaluate the seriousness of any threat from political extremists in South Africa. No threat of terror or violence can ever be underestimated. Although the chance of a terror campaign succeeding is almost non-existent, it could cause serious damage to the fragile and developing democratic system in South Africa. It is important for political leaders from all sectors of the South African political spectrum – particularly those associated with 'white' political interests – to inform their supporters of the value and importance of constitutionally-based political interaction. In this regard, any act of violence must be unconditionally condemned.

Given these developments, one cannot emphasise enough the importance of an effective communication strategy within government. Citizens need to be informed of all government actions, policies and objectives. It is also the duty of the South African government to deal with those who choose to ignore these constitutional provisions. ▲

decisions taken within government structures. Add to this the normative frame of mind that underlies the interpretations of what people perceive, and one gains a better understanding of the difficulties facing governments. This is especially the case in a country such as South Africa.

The above explanation argues that a government can cause or prevent the development of civil disorder, depending on whether or not it represents the interests of all its citizens. This does not imply that all who are dissatisfied with their government have the right to resort to violence. The South African constitution certainly provides many different avenues for citizens to express political grievances. Yet, there are no indications of these having been formally explored by those who are supposedly behind the Soweto bombings, or the plans to overthrow the South African government. Considering the opportunities available for constitutional politics in South Africa, one has to ask why any person or group would engage in such actions.

Generally speaking, violence is chosen when aggrieved groups are convinced that they have no other alternative available to them. Groups also

ENDNOTE

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1. Beeld 11 November 2002.

BY JOHN G. NYUOT YOH

SUDAN

the impact

of the Inter-Southern Sudanese Dialogue

Consensus among observers is that, should the warring parties in Sudan agree on a settlement – whether through the Inter-Government Authority for Development (IGAD) process or any other forum – the type of relationship between the Southern Sudanese military and political forces during the interim period will determine the direction of the implementation process. From the onset, one should point out that the Sudan People's Liberation Movement (SPLM) consists of a loose coalition that was forged in January and October 2002. The coalition is made up of Dr. John Garang de Mabior's SPLM, and Dr. Riek Machar Teny-Dhurgon's Sudan People's Democratic Front (SPDF). It should also be mentioned that approximately two million lives were lost during Sudan's 50-year civil war, and more than two million people were uprooted from their homes. This situation demands a thorough re-evaluation by all conflicting parties as to whether unity or secession is ultimately the source of a lasting peace.

Regarding the Machakos Consensus, most observers believe the following observations are worth mentioning:

While the people of Southern Sudan seem to rejoice that their right to self-determination was included in the Machakos Consensus, some still seem unappreciative of the six year interim period. The implication is that there is a need to hold both the presidential and parliamentary elections during the interim

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period, and that all political parties who are going to contest these elections, should give unconditional commitment to the Machakos Consensus agreements.

A considerable number of Southern Sudanese seem to feel that the troika which brokered the Machakos Consensus (and included the USA, UK, Norway and Italy) have little interest in bringing about lasting peace within the country. Rather, they seem more interested in an opened-ended, long-term ceasefire agreement.

The US administration (as expressed in John Danforth's report) openly stated that it is not in favor of the right to self-determination. In line with its strategic goals in Africa and the Middle East, the US seems willing to side with Northern Sudan. By so doing, the US will have gained oil in Sudan, as well as the Arab world's support for its efforts in the Arab-Israeli conflict. As for the people of the south – the Americans will have offered them peace, but not necessarily justice.

If anything is to be learnt from Numeiri and El-Bashir's attitudes towards the agreements they previously signed with the South, the Southern leadership should invest time in cementing South-South dialogue during the next six years. It is important that the leadership of the SPLM-United, the Southern Sudan Liberation Movement (SSLM), the EDF, the South Sudan Defence Forces (SSDF) and the other Southern militias support the Machakos Consensus – it is the best process through which the South can democratically exercise its right to self-determination. There is no doubt that the SPLM qualifies as a national revolutionary movement, both in Southern and Northern Sudanese power-sharing politics. In Southern Sudan, the SPLM embodies all the Southern Sudanese political shades, whether within the SPLM mainstream faction, or in others. Consequently, it is regarded as a representative of Southern Sudan. Since the SPLM has been negotiating with the GoS on behalf of Southern Sudan, it should administer the South during the interim period. At the same time, it should empower Southern Sudanese civil society organisations – as well as the young mebers of various Southern military and political organisations – to have more say in the mobilisation process.

There is consensus among Southern Sudanese political activists that unless the proponents of self-determination in Southern Sudan try hard to forge some kind of working relationship with the SPLM leadership, then things may go terribly wrong during the interim period. This is partly because of the Northern Sudanese attitude towards self-determination. It is also because of a possible isolationist approach that the SPLM leadership might use against other Southern political groups that have not been directly involved in the Machakos peace process.

On the one hand, if the SPLM leadership decided to open channels of communication with all Southern military, political and civil society organisations, such an attitude would definitely encourage the emergence of a strong coalition among Southerners. On the other hand, if the SPLM leadership opts to isolate the proponents of self-determination, then it would be difficult to avoid internal conflicts within the SPLM, its leadership and other Southern organisations.

Such a process of dialogue requires hard work, patience and vision. Most importantly, it requires the use of 'quiet diplomacy' in order for it to succeed in achieving its goals.

However, some observers argue that any peace agreement signed as a result of the Machakos Consensus, would be considered by some SPLM leaders as their booty. If such an argument holds, the SPLM leadership and its supporters (who have lived outside the country for about 20 years) would have to make sure that anyone who is not in line with its policies is kept away from the administration of the South. All the important political and bureaucratic positions will have to be allocated to those who are loyal to the SPLM and its allies.

Equally true would be the assertion that, in terms of the Machakos Consensus, the SPLM would have to keep an eye on whoever opposes the agreement. Naturally, in such a situation, the SPLM leadership would have the obligation to sideline those Southern Sudanese factions – particularly the SPLA-United, the SSLM and other Southern militias currently cooperating with the GoS – who might choose to oppose it. However, should that be the main policy of the SPLM, it would have opted to use an isolationist approach, which would complicate matters further within the South.

The main Southern factions that the SPLM might target include Dr. Lam Akol's SPLM-United, and Dr. Michael Wal Duany's Southern Sudan Liberation Movement (SSLM). Like the

SPDF, these factions represented the separatist wing of the SPLM before they defected from the SPLM in August 1991. Both the GoS and the SPLM leaderships are aware of this fact. Should these factions try to survive alone, they will find themselves squeezed out by the GoS and SPLM. Their opposition to government policies, or any potential SPLM isolationist policies during the interim period, will definitely be regarded as opposition to the Machakos Consensus.

However, in such a situation, some argue that the SPLM leadership would value its alliance with National Alliance Forces and the NDA, as they would represent the best guarantee for its survival during the interim period. Moreover, the essence of the Machakos Consensus requires the SPLM leadership to work hard to consolidate its alliance with the government of Sudan. On the other hand, the Sudanese government must also try to maintain its alliances with the other Southern militias. It is worth mentioning that the SSDF consists of all those forces that were under the leadership of Dr. Riek Machar when he signed the Khartoum Peace Agreement with GoS in April 1997. This force later fragmented, and each group allied itself with the Sudanese government. The current militia groups that are recognised include those lead by Vincent Kuany Latjor in Juba, Paulino Matip Nhial in the Western Upper Nile, Gatwech Duel in and around Akobo; Gabriel Tang Ginya in Pangak and Ayod; Gordon Koang Chol in Nasir; the Dindinga militia; the Taposa militia in Kapoeta; the Pertit militia in Bahr el-Ghazal; the Murle militias in Pibor; and the Equatoria Defence Force in Eastern Equatoria. However, these militias will also be marginalised eventually, because the government will focus on the SPLM leadership, particularly the wing within the SPLA that is separatist-oriented.

Apart from the dynamics mentioned above, the following observations are critical for the success of the Machakos Consensus:

Firstly, during the last 20 years of the civil war, the role of Southern Sudanese intellectuals – including those in Diaspora – has been instrumental in shaping Southern Sudanese political and ideological understanding regarding the causes of the war. On the other hand, depending on the position that these

intellectuals took regarding the dynamics of war-peace politics, some of them were deemed to have become both part of the problem, and the solution. Indeed, some of them seemed to prefer to work in isoltion from their respective constituencies, and the majority of

them worked along tribal lines. Also, the relationship between intellectuals and political leaders in Southern Sudan has always been tense. Apparently this is partly due to competition between the two groups. Certain intellectuals believe that some of their political counterparts – particularly the most politically active – seem to lack a long-term vision concerning the future of Southern Sudan. If the SPLM leadership is to make any difference in terms of development, it must harmonise the relationship between and

among Southern Sudanese intellectuals, technocrats and politicians.

Secondly, the nature and type of developmental programmes that the SPLM administration will implement in Southern Sudan during the interim period will determine the reaction and level of cooperation given to the SPLM by other Southern political and military forces. The level of efficiency of the SPLM administration will also determine its level of acceptance.

Thirdly, the quality and quantity of regional or tribal representation within the SPLM administration, as well as the nature of its decision-making process, will also impact on the type of relationship that will exist between the SPLM and other Southern forces.

Fourthly, Southern Sudan has the highest number of disabled combatants, children and woman as a result of the war. The manner in which these people are taken care of will expose the sense of responsibility that the SPLM leadership has towards the most vulnerable segments of Southern Sudanese communities. It will also be an important factor in consolidating (or weakening) cooperation between the SPLM and other Southern forces.

Fifthly, there are a number of Northern Sudanese individuals and organisations that are currently allying themselves with the SPLM in the Southern Sudan government. Some are also putting themselves forward as representatives of the SPLM in the central government. The nature and level of their participation might be received with reluctance by some Southern Sudanese, who regard the SPLM as a Southern-based organisation.

Finally, the attitude of the SPLM leadership towards the referendum on self-determination, as well as those who might have different views about the process, might become a contentious issue during the first three years of the interim period. ⌂

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Wounded men of the war-torn south Sudan sit in the hospital run by the International Comittee of the Red Cross (ICRC) in Lokichokio in northwest Kenya

ERIC FEFERBERG/AFP

A future at last. Cause for

cautious optimism in Angola?

BY BRITT DE KLERK   ANGOLA

moving from war to peace:

building

democracy in post-conflict Angola

One can be cautiously optimistic about the prospects for peace and democracy in Angola. Peace appears likely in the post-Savimbi era, due to the fact that a continuation of the war was largely attributed to the rivalry between Jonas Savimbi and Eduardo dos Santos. Following Savimbi's death on 4 April 2002, the government and National Union for the Total Independence of Angola (UNITA) signed a ceasefire, which became known as the Luena Memorandum of Understanding. This was the first comprehensive dialogue between the ruling Popular Movement for the Liberation of Angola (MPLA) and UNITA. In June 2002, President dos Santos stated that consolidation of peace was the country's main priority. To this end, he agreed that the outstanding provisions of the Lusaka Protocol needed to be completed. The outstanding provisions include the reinsertion of ex-UNITA combatants and their family members into civilian communities, the establishment of safe conditions for the resettlement of internally displaced persons; the development of a new constitution; the revision of the registration process and electoral legislation; and the re-establishment of civil administration within all territories. The government's decision to hold elections in 2004 or 2005, and the demobilisation of UNITA soldiers, are also regarded as positive moves towards establishing peace.

One challenge to maintaining peace is the separatist rebellion by the Liberation Front for the Cabinda Enclave (FLEC) in the oil-rich region of Cabinda - this area produces 60% of Angola's oil.

The government has implemented an armed campaign against these rebels and many have been driven from their homes. If the tension increases and negotiation between the two groups does not take place soon, a high intensity conflict may result. This may, in turn, threaten the peace process.

In all honesty, what are Angola's prospects for democracy? Some commentators argue that the government lacks the political will to address governance issues of participation, representation, transparency and accountability. They claim the government appears reluctant to revisit the political reforms provided for in both the Bicesse Peace Process of 1991-1992, and the Lusaka Protocol of 1994. Others hold the view that Angola is in transition, and that the country needs a government of national unity to oversee the transition[1].Foreign and domestic media criticise the government's reluctance to reveal oil revenue earnings and expenditures, particularly in light of the fact that an estimated US$1 billion in oil revenues is unaccounted for.

Some of the government's own actions have fuelled these concerns. These actions include allegedly delaying the registration of some non-governmental organisations, passing strict security laws which could negatively impact on the freedom of speech and access to government; limiting independent media activity; and clamping down on the opposition, despite constitutional provisions for freedom of association and assembly. The

political space within the former UNITA - held territory will also have to be widened – in the past, activities by the media, individuals and organisations were tightly controlled.

The prospect for democracy has, however, been enhanced – elections for 2004 or 2005 were recently announced. In addition, political space for civil society activity has been widened. The 1992 UN – supervised presidential and legislative elections were described by international observers as free and fair. Savimbi won 40.1% of the votes, while dos Santos clinched 49.6%. However, Savimbi rejected the results and resumed the civil war. The 220-seat National Assembly is dominated by the MPLA, which has 129 seats. UNITA members occupy 70 seats, while other parties are spread among the remaining 21 seats. UNITA needs to solidify its position as a political party before the 2004/2005 elections. It also needs to present a cohesive mandate to the electorate. Although there are more than 100 political parties in Angola, they have very little political clout. Thus, the run-up to the elections will require a mobilisation and unification of the opposition in order to have a competitive democratic election. When formulating electoral rules and processes, public participation is vital. To this end, civil society organisations, members of the public and political parties must work together.

Although UNITA has transformed itself from a military movement to a political party, the group

Government soldiers carry out a patrol in the bush outside Caimbambo, Angola

JEAN-CHARLES PERRIN/AFP

MANUEL ALMEIDA/AFP

An Angolan refugee balances a bag of flour on her head as she returns from the distribution of relief goods in Munda, near the city of Huambo

was only really united in October this year. However, leadership of the party is still being contested. It has been argued that the ceasefire agreement was a desperate response by the party to its decline in military strength. Whatever the reasons, it is clear that some political transformation is taking place. However, for this democratic transition to stay on course, UNITA must become a normal political party. It must be committed to the Lusaka Protocol, and must make every effort to improve relations with the regional and international communities.

Civil society in Angola is a recent development. The 1991 Association Law made it possible for civic organisations to register independently of the ruling party. The political and economic liberalisation of the 1990s, and the increasing demand for non-governmental organisations to provide social and humanitarian relief in the face of worsening humanitarian conditions, gradually allowed for civil society organisations to grow in strength and number. There are currently more than 300 registered non-governmental organisations. However, civil society is still weak. In addition, it has mostly been concerned with humanitarian relief efforts. Since 1999, civil society has had more freedom to move within the political space. It has been allowed to publicly assert alternative opinions and advocate policy reforms. Indeed, the government recently reluctantly consulted civil society on the draft land and media laws[2]. However, one still wonders whether or not the government will consult civil society on key issues, such as the

formation of a government of national unity. Civil society continues to suffer from demarcation lines and restricted travel, which make large portions of the country inaccessible. Consequently, the impact of civil society in assisting with democratic change at a local level is limited. Civil society needs to be empowered and strengthened in order to assist with the democratic transition.

There is cause for some optimism: there are growing signs of civil society activity, the press is vibrant; and there are public debates on key political issues. Furthermore, the Joint Commission talks between the MPLA and UNITA – which are centred around the implementation of the stalled Lusaka Protocol – began in September 2002. However, these talks have been criticised by civil society for being exclusive. What must be noted is that the political space is widening, and there is room for constructive political debate and negotiation. It would appear that Angola is forging ahead with its process of change, despite having to face enormous economic and humanitarian challenges. ▵

ENDNOTE

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1. USAID (2002) Angola Transition and Development Assessment: The War is Over, Peace is Here to Stay, available at: www.usaid.gov/regions/afr/pubs/conflict.html

2. Ibid.
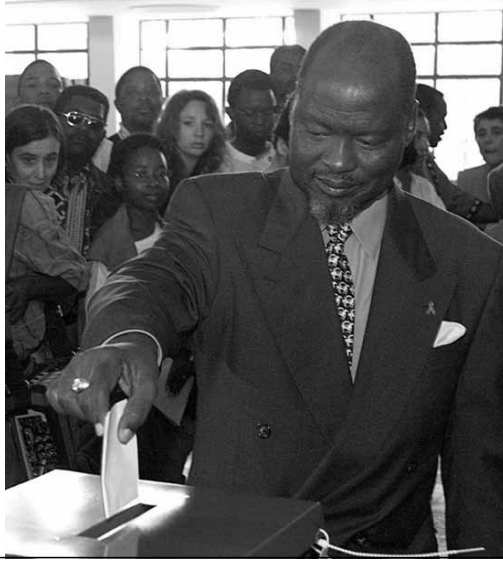
Still contentious...

but Mozambique firms up

an electoral dispensation

MOZAMBIQUE

BY TSHILISO MOLUKANELE

new election

laws in Mozambique

The Assembly of the Republic passed a set of election laws during its extraordinary sitting in September. This culminated two years worth of work by the parliamentary ad hoc commission on electoral reform. The laws relate to the National Election Commission (CNE), voter registration, and procedures for the 2003 municipal elections. This latest development provides certainty to Mozambique electoral laws which, hitherto, have been mainly temporal. Indeed, they have changed with every new election.

In contrast to its predecessors, the new CNE will be permanent. It will consist of 19 members, including a chairperson and two deputies nominated by each party. Party representation within the CNE will be in direct proportion to their representation within the Assembly. As a result, FRELIMO will nominate 10 members, while RENAMO-ELECTION UNION will nominate eight.The parties will elect the chairperson from candidates nominated by civil society. The provincial and district election commissions will each have nine members, and will be represented in the same way as in the CNE. Decisions within the CNE will be taken by consensus, failing which a simple majority will do. At the time of writing, the CNE had not been constituted, as there were problems with the RENAMO nominations. The law says that no member of a leading political party body may sit on the CNE - RENAMO wants Mr Jose de Castro (a member of its leadership) to sit on the CNE.

An elderly Mozambican woman shows her hands to an employee of the National Election Commission (CNE), before casting her vote at a polling station at the village of Michatutene north of Maputo

The Electoral Administration Technical Secretariat (STAE) will remain a civil service body and will be staffed by civil servant. Two political appointees from each party will assist the general director. By November, STAE had already publicised a plan for next year's municipal elections. However, it has been delayed because the CNE has not yet been established. A decision has already been taken to use the 1999 voter's roll for the forthcoming elections. STAE will employ 2,949 people to update the roll and register new voters. STAE will also undertake voter education.

During October, the Assembly of the Republic passed a bill concerning the constitutional council. The council was provided for in the 1990 constitution. However, it was never constituted. It will eventually consist of seven judges, but for now it will only have five. It has power over all constitutional matters, including the power to hear disputes relating to elections. It has the authority to verify whether or not presidential candidates meet the legal requirements. It can also make final decisions regarding electoral complaints, and can validate and declare final election results. There is, however, disagreement about the way in which the

judges should be appointed. RENAMO favours political appointments within the Assembly (as is the case in the CNE). FRELIMO favours part-appointments by the Assembly, and part-appointments by the supreme council of judicial magistrature, which is an independent body. This debate has now been reverted back to the parliamentary commission on legality.

The challenge around elections are huge. Besides having to formulate procedures for national and presidential elections, STAE will also be tested during the coming municipal elections - RENAMO plans to contest the elections and its members will be out in full force. Consequently, more voters are expected. Future municipal elections will be extended to other areas which have, for the first time, obtained municipal status. It is hoped that the laws will provide some certainty, and that the elections will run smoothly. ♙

ABOUT THE AUTHOR

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All of this and more to protect.

Malawi's bright future

on the line.

BY BRITT DE KLERK

MALAWI

is the face of
democracy
changing in Malawi?

The May 1994 elections ushered in a peaceful transition from decades of one-party autocracy to a multi-party democracy. Since these elections, Malawi has been congratulated for its significant institutionalisation of democratic freedoms, as well as its promotion of the protection of human rights. This is illustrated through an invigorated civil society, increased freedom of expression and participation, the existence of multiple political parties, more independent media; and an increase in the role and number of non-governmental organisations. By 2000, the prospects for consolidating democracy within Malawi looked favourable. Factors which led to this assessment included a constitution which provided a democratic framework for good governance, a strong representation by two opposition parties within parliament, and a relatively narrow majority.

Also significant was the growing realisation that the government and parliament would have to collaborate in order to engage civil society in efforts to alleviate poverty and spur economic development .

Since then, however, the prospects for democratic consolidation within Malawi have been put to the test. So what has changed? Electoral violence marred the 1999 election. Violence erupted in opposition strongholds of northern Malawi, after the election results indicated a win for the United Democratic Front (UDF). In 2001, violence reared its ugly head when a group known as the Young Democrats waged intimidation campaigns against the government's opposition, as well as the media. Reports stated that the impending 2004 elections sparked an increase in violence between political parties. Reasons for the increase in violence included the politicisation of ethnicity and

ALEXANDER JOE/AFP
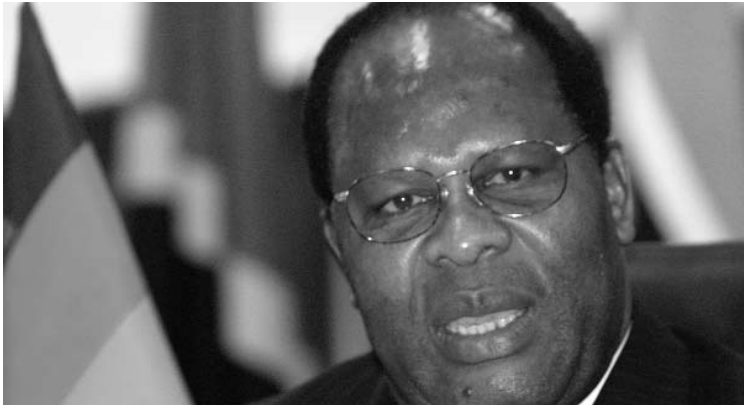
Malawi's President and chairman of the SADC Bakili Muluzi addresses the closing session of a 3-day summit

regionalism. The three main political parties – the UDF, the Alliance for Democracy (AFORD) and the Malawi Congress Party (MCP) – have their support base in the southern province, the northern region and the central region, respectively. These parties have been competing for power in a first-past-the-post, 'winner-takes-all' system. It is argued that in this type of electoral system, political violence results from the unwillingness to share power. Commentators believe that if this violence continues unabated and the electoral system is not revised, violence and intimidation may pose a threat to future elections.

President Muluzi's bid for a third term of office is another cause for concern. On 4 July 2002, a constitutional amendment – which would have allowed President Muluzi to extend his term of office to three terms – was narrowly defeated by three votes. In order for the UDF to change the constitution, it requires a two-third majority. Currently, there is a bid to present a reworked Open Term Bill in order to amend section 83(3) of the constitution, which states that a president may serve a maximum of two terms. The president also recently passed a presidential decree that bans demonstrations for or against the third term bill. Police activity is being used to prevent these demonstrations. This decree has also sparked a debate on the independence and efficacy of the judicial system. A High Court ruled that the aforementioned decree was unconstitutional. However, a few days later another High Court reversed the previous ruling. Compounding the problem is the violence that has been sparked by demonstrations against the third term bid. Lobby groups, non-governmental organisations, churches, opposition parties and international donor communities are opposed to attempts aimed at amending the constitution.

In essence, commentators argue that the bid for a third term of office, and the subsequent attempt to amend the constitution, have three serious implications. Firstly, it is argued that these moves have caused divisions within the ruling party, which may lead to the fragmentation of the party. This could, in turn, threaten its majority in parliament. Secondly, dissension within civil society and the opposition is on the increase. If ignored, this dissension may spark violent protest, which could exasperate the political tension already evident in the run-up to the 2004 elections. Thirdly, if the call for the amendment succeeds, it will have a negative impact on Malawi's international donors. This is particularly relevant to the country's qualification for the Heavily Indebted Poor Country (HIPC) status, which attracts large development aid. Some commentators believe that serious consideration should be given to the implications of the third term bill in order to avoid a backward slide for democracy.

A number of other factors challenge the practice of democracy in Malawi. Parliament has been criticised for its failure to perform its parliamentary functions. It has also been criticised for failing to maintain democratic structures amid allegations of a limited separation of powers. A lack of transparency and accountability, a failure to reinstate the Senate, and the removal of the recall provision have also resulted in criticism. The severe corruption within government, as well as the compromised independence of the media, have also contributed to this assessment. The negative implication of these allegations is that donor funding received for poverty alleviation, food shortages and HIV/AIDS may be jeopardised.

It appears that two fundamental issues need to be addressed in order to prevent a severe deterioration of democracy. Firstly, the type of electoral system adopted and the regional politicisation of electoral voting; and secondly, the impetus to amend the constitution. Concerted efforts are required in order to return Malawi to the favourable position it held in the five years following its first multi-party elections. ▵

ENDNOTE

* Britt de Klerk is currently a Programme Officer at ACCORD.

1. USAID, (2000), "Malawi: Strengthening Parliament and Civil Society", Semiannual report, available at:
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One democracy, many shades – strengthening democracy strengthens society

BY BRITT DE KLERK

ZIMBABWE

what makes

democracy work?

What makes democracy work? This is a question which has occupied the minds of academics, researchers, philosophers and practitioners for decades. The answer is by no means a simple one. The building blocks of democracy – competition for political power, inclusive participation for the selection of leaders and policies, and sufficient civil and political liberties – offer only a framework upon which to develop democracy. They do not guarantee its sustainability or consolidation. Democratic principles and institutions are required in order for the democratisation process to begin and develop. However, where these institutions are weak, they may be used to perpetuate divisions (based on class, race or ethnicity) within society. For example, elections are considered a bastion for democracy. However, where a society is severely divided, these elections may be used to mobilise ethnicity. Elections may turn into a contest (and conflict) between 'us' and 'them'. In short, democracy requires a commitment, by leaders and citizens, to institutionalise its principles. Nations are also required to practice them within the political, social and economic arena. Where this commitment fails, so does the sustainability of democracy.

Zimbabwe has been cited as an example of a country with democratic institutions. However,

these institutions function undemocratically. There indeed exists a constitution; elections are held periodically; there is a semblance of opposition permitted; there is a vast and active civil society; and certain civil and political rights are provided for. However, how far does 'true' democracy prevail? If these institutions do not perform democratic functions, can democracy sustain itself?

The presidential elections – in which President Robert Mugabe ensured his place as the country's leader for another six-year term – were shrouded in controversy. Debate within the regional and international arenas resulted in varied reactions and opinions. Civil society and opposition parties believe the elections were neither free nor fair. The Southern African Development Community (SADC) Parliamentary Forum also declared the elections to be neither free nor fair. However, the SADC Council of Ministers, the Organisation of African Unity (OAU) and individual governments disagree. South Africa declared the elections legitimate, while the Commonwealth and most country observer missions said the opposite. If there is such divergence of opinion, what does this mean for the objective assessment of democracy? How can one use free and fair elections as a benchmark for measuring democracy or democratic consolidation?

A vibrant civil society is believed to be important for democracy, both in the transition to and consolidation of democracy. With regard to the former, civil society can mobilise popular response to undemocratic authority. Where the political space begins to open, civil society can play a significant role in assisting government. It can also educate people about democracy. With regard to the consolidation of democracy, civil society can provide a 'check and balance' function, in which it assesses the functions and institutions of the state and government. As such, it can measure the degree of democracy within these bodies. Civil society can at times assist government in the promotion of democracy. Alternatively, it may operate in opposition to government. In both cases, it occupies a space between government and civilians. Within this space, it attempts to hold government accountable for its actions; it educates and informs the people of government's actions; and it encourages and promotes a nation's rights and responsibilities with regard to sustaining democracy. Civil society also provides a mechanism through which potential conflicts may be prevented. For example, it provides forums for opposing parties to talk to each other. It also negotiates towards agreement, rather than resorting to physical violence. Through keeping a 'watchful eye' on government, voicing concern and offering

Police and election workers get ready to leave the town of Bendura, 130 kms north of the capital Harare, after the re-election of President Robert Mugabe to another six-year term
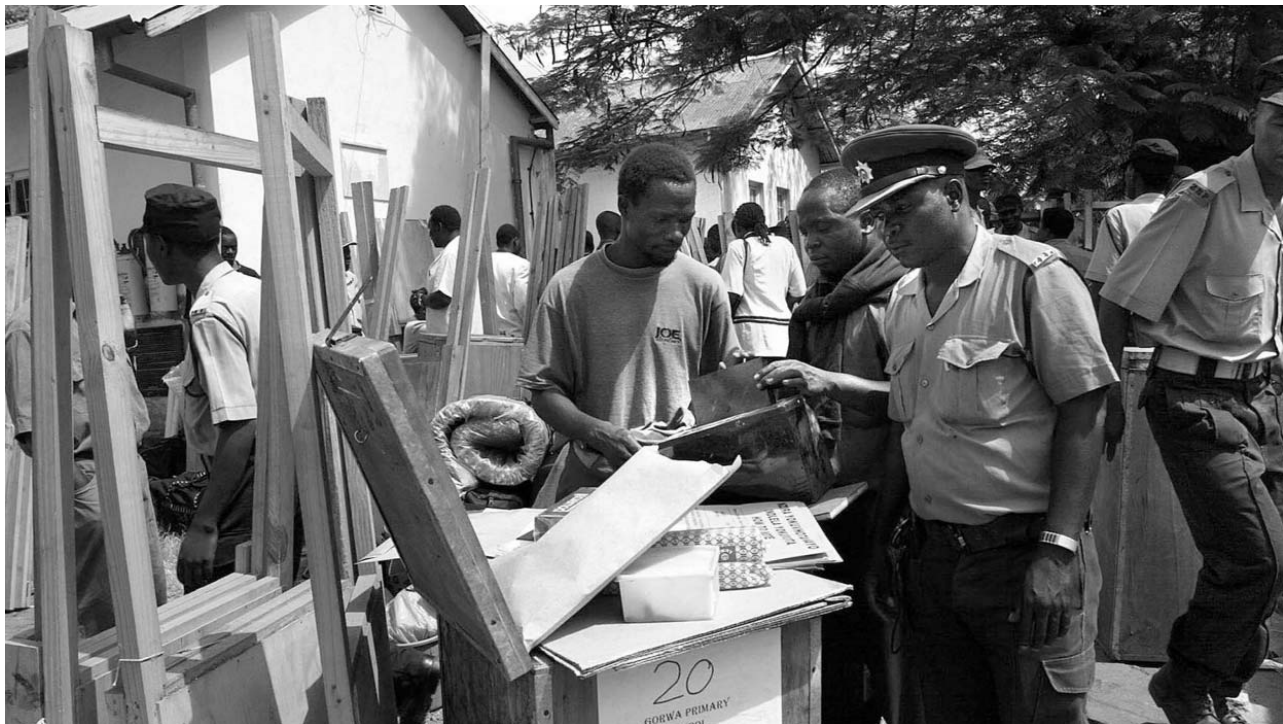
ALEXANDER JOE/AFP

recommendations, civil society can avoid potential decisions which may spark dissension among individuals or groups. In short, civil society has a role to play in keeping democracy moving forward in order to sustain democracy within a given society. Considered in this way, civil society is regarded by many as crucial for democracy.

However, to what extent can civil society effect democratic change and consolidate democracy, if its formation and function is limited by the state? In Zimbabwe, two laws were passed that confine civil society: the Private Voluntary Organisations (PVO) Act and the Public Order and Security (POSA) Act. The former requires all non-governmental organisations to register in order to operate within Zimbabwe. The latter requires that any public meeting of two or more people must be reported to the police in advance. Where civil society actions are limited, what measures can these organisations take in order to affect change? Should an alternative vehicle for change and democracy-building be utilised? The more dissension increases among opposition and civil society, the more the potential for violent conflict increases, whilst the potential for democracy decreases. Democratic institutions (such as civil society) play an important part in managing

conflict and consolidating democracy. Where civil society is impeded, so the chances of sustaining democracy decreases and the potential for conflict increases.

You may well ask how it is that democracy plays such an important conflict management function. Democracy provides inclusive and accountable social frameworks. These are flexible and can adapt to the changing global and local climate. Consequently, it can provide an enabling arena for negotiation, compromise and cooperation. The question is if the very 'benchmarks' of democracy are challenged, or are incapable of performing their democratic functions, how then do we consolidate democracy, and to what extent can democracy be consolidated? ⌂

Members of the ruling ZANU PF party celebrate with a mock coffin covered with a US flag, symbolizing defiance toward Washington's critical stand on the election process and call for sanctions against the country

ENDNOTE

*   Britt de Klerk is currently a Programme Officer at ACCORD.

1.   Bloomfield, David & Reilly, Ben (1998) 'The Changing Nature of Conflict and Conflict Management', in Harris, Peter & Reilly, Ben (eds) Democracy and Deep-Rooted Conflict: options for Negotiations, International Institute for Democracy and Electoral Assistance: Sweden, p.17.

2.   Ibid.

Whose agenda?

Globilisation and democracy

– riding waves of change

DEMOCRACY

BY IAN LIEBENBERG

consolidation is not the issue

It is the format that counts

In recent years the debate on transition theory and on 'consolidation of democracy' has played an increasingly important role in political discourse – also on the continent of Africa. In a rather deterministic way, transition theory became the launching pad of the consolidation of democracy school and the two schools of thinking co-exist in a symbiotic – if not parasitic – way. Transition theorists wrote volumes on the (pre-) conditions for, and the processes and stages of, 'transitioning' from authoritarian rule to democracy. Concurrently an extensive corpus of theoretical and even prescriptive material emanated (mostly from Western theorists) on the 'third wave of democracy' – invariably understood to be transition from one-party state systems, authoritarian state systems and military regimes to western

ideal-type multi-party democracy systems. Most of the literature in the field also made a close link between the transition of implied 'underdeveloped'/ 'developing' states away from the inherited structures (the latter reflecting some inferiority compared to 'advanced' democracies) to multi-party democracy and liberal-capitalism cum free-market economic systems. 'Ambassadors for Democracy' were regularly visiting these 'backward' states to advocate the inseparable link between political liberalization and economic liberalization (read: the imperative to impose multi-party states and free market economies suitable to 'Global Economics').

Needless to say, the ideology of *globalization* and the advocacy thereof by powerful Western states played a major role in this. Hence, the

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debates on political economy were increasingly (some may say regressively) moved away from dependency theory and radical social theories to semantic theorems and stratagems that favoured the liberal and capitalist state. These states would ostensibly be 'sucked into a global economy' which would play a positive role in both democratizing state and society, and at the same time allowing for a 'trickle down'/ 'spill-over' effect that will benefit poor states and economies (and hence civil communities) in the to-be-soon-developed countries. Some referred to this exchange of technology and expertise in order to 'uplift' the Third World counties as *diffusion*. Needless again to say that with this process of democratization (that was aggressively marketed, especially after 1990) economic pressures were unleashed on many smaller states in order to force them to accept the new paradigm of democracy. In many of these attempts the International Monetary Fund (IMF) and the Word bank played no small role in 'assisting' these failing (or so-called 'suspended') states to accept drastic Structural Adjustment Programmes. Some other smaller states that democratized without these pressures, such as South Africa, voluntarily moved closer to globalisation rhetoric and pro-actively moved towards macro-economic restructuring programs that resembled – or at least reflected – many of the characteristics of structural adjustment programs, however self chosen.

The latter reminds one about the statement by sociologist Anthony Giddens that: 'Globalisation is by no means a new phenomenon. It started when western nations sent their fleets to colonize other territories' (author's paraphrasing). Not everyone accepted this. African theorists, like Noam Chomsky, started to deconstruct the self-interest and hypocrisy behind such theories of development.

Many theorists have consistently pointed out the potential dangers of such a copycat approach in political and economic spheres – the late Claude Ake and others such as Samir Amin, Houtondji, Mamdami, Kwesi-Kwa Prah, and Mogobe Ramose being some examples. Again, needless to say that in such an atmosphere of a *New Global Order, Globalization and worldwide Liberalization (*see Fukuyama and his ideological stance on 'The End of History' debate), these criticisms were downplayed and undervalued – if not ridiculed.

ON THE ABYSS: BETWEEN ONE-SIDED CONSOLIDATION AND REALISTIC VISIONARY POLITICS

The need for a sustainable participatory – or at least participative – democracy, a just division of scarce resources (read: social justice and economic democratisation) and the protection and enhancement of human rights, is not debatable.

Workers of pan-African carrier Air Afrique demonstrate after the World Bank recommended the cash-strapped airline to be liquidated

SEYLLOU/AFP

The combination of the former would equal democratic consolidation. However the one-sided interpretation as advocated between multi-party democracy and economic liberalization (the right to enhance the free market as operative principle everywhere) is.

Experiences in Latin America and Africa provide reason to argue that the multi-party mantra as a panacea for all has not necessarily led to an improvement of the quality of life of marginalized nations and communities, with the possible exceptions of chunks of the old, transitional and new elites. In some cases, the old elite and the new elite have struck an amicable consensus on self-enrichment, while the rich-poor gap continuous to grow, e.g. Brasil and South Africa. Africa and Southern Africa will not be able to side-step this important debate, and the real-life policy and development/reconstructive steps that are implied with it. And to be quite frank, it is better for us not to side-step these choices and the commitments that are to flow from them. In the long term this will

be to the benefit of the Pan-African continent, inclusive of the hub of states that forms the Southern African Development Community.

QUO VADIS? MOKOKO HUNGWE, RECONSTRUCTION AND THE AWAKENING OF AFRIKA...

Africa was, and still is, portrayed by many (some of them quite paternalistic in their approach) as a basket-case or even a 'continent without hope'. Some of these criticisms are valid. Others are simply out of frustration at Africa's unwillingness to uncritically tow this suggested line of democratization and economic liberalization.

This reality will have to be reckoned with as far as Africans debate, critically evaluate and make choices about our regional and continental future reconstruction and growth. There is the obvious counter-argument that Africa has

"People united will never be defeated". Poor South Africans demand land and poverty relief at the UN Earth Summit. They are joined by militant anti-globalisation activists.

Sierra's Leone's Finance Minister Peter J. Kuyyembeh (L) talks about the challenges that are facing African Nations during a press conference with Tanzania's Finance Minister Basil P. Mramba (R)

produced, in different forms, 'working democracies'. Examples would include Botswana, Senegal, Namibia and Egypt. Some of them – even if labeled authoritarian liberal democracies, such as Botswana – have proven that they can succeed economically. But there are also African states that equally effectively maintain stability and economic growth under political conditions that Western theorists would very hesitantly describe as democracy. The non-party state of Uganda presents one example. The state of Libya is another. These states do not fit the glib labels attached to the rather restrictive Western definitions of democracies. They also raise the most uneasiness as they are also working states and growing economies. They just don't 'fit the pattern.'

This is exactly where African states offer unique lessons, opportunities and challenges. There are working states and working economies. And there are states with an exceptional human rights record. And there are very few hegemons that consistently impose their world-view on smaller states through aggression and intimidation – unlike elsewhere on the globe.

There are obviously some splendid failures, with dehumanizing and grotesque consequences.

These failures provide pointers towards 'how not to do it' and a potential warehouse of past lessons learnt.

At a time when the African Union is being established and an African Parliament is a future possibility, positive developments must challenge the pessimistic views of Africa held by many. In short, both our successes and failures introduce a variety of potential positive angles into the debate and practice of sustainable democracy and economic democratization. Perhaps more so than in other continents?

There may be no agreement – and vastly different interpretations on the economic pathways to be chosen: the application, protection and enhancement of human rights, the structures and processes needed to provide 'power to the people.

It is here that the role of an increasingly inclusive dialogue becomes pertinent, if not imperative. African States and Nations, Civil Communities and political leadership have agreements on many issues. On as many there are differences. Rather than being perceived as a weakness, these current differences may be strengths.

CONTINENTAL DIALOGUE, SOCIAL ACCOMMODATION AND RECONSTRUCTION/GROWTH

This wide field of real and potential agreements and disagreements provides the launching platform for a committed process of dialogue based on shared concerns and interests - for African people and states, to the benefit of Africans by Africans. There is nothing idealistic about this. This is an imperative, a commitment and a realistic vision. There are various areas where such a dialogue programme can be of value. I will highlight only four:

The issue of state form and procedures for participative or participatory democracy.

From the various models in Africa (both the successes and failures) there is a need to have a directed dialogue on how such structures can be bettered and honed to the benefit of people on various levels of government and in the interface between rural and urban politics. Africa has yielded a wealth of lessons learnt since *Uhuru*. This can be fruitfully exploited and mined. A lesson of 'how not to do it' provides pointers towards 'how to do it', as it eliminates unacceptable and dehumanizing failures.

The issue of cultural, religious, linguistic and social identity accommodation.

This is an area that should not be underestimated, because this can be both the source of tension and conflict, or the source of social reconstruction and development and entrenching human rights. Under this issue the contending, but not necessarily contradictory, notions of human rights should form an integral part of the dialogue aimed at mutual co-operation, accommodation and empowerment.

Socio-economic systems and socio-economic reconstruction.

There is no single pathway to achieve economic reconstruction and sustainable economies of scale. An African dialogue that seeks to benefit from this insight without compromising or allowing 'imposed models', which are glibly argued, can benefit communities, nations and citizens of Africa. At various stages in the history of world economics, various models succeeded in providing sustainable and growing economies. One needs not get myopically focused on one model or paradigm (even if it is aggressively advocated by outsiders that want to impose their will on weaker states and communities). Europe and the Scandinavian countries, at various stages during different epochs, built strong economies through models as diverse as democratic socialism, (radical) social democracy, and free-markets characterized by various levels of state intervention. The same applies to Asia, where contending models have produced economic successes. Here, the issue of third-generation human rights needs to be addressed in close association with socio-economic options and policy-choices.

Agreement on mutual problem-solving and economic reconstruction without foreign impositions.

This is the fourth and last of the ponderables. But perhaps it is the most important – or even the foundation for future success. There is a difference between taking lessons on successful democracy or economy building from other countries and being submitted to the humiliation of imposed programs. Africans can only move ahead if we are willing to take lessons learnt from elsewhere, and equally from our own experiences, without submitting to the aggressive imposition of theoretical and political-economic models by others. *It is perhaps here that the need arises for mutual and principled agreement, a growing common consensus and a directed will to act on this agreed consensus as the starting/building block for future construction.* And with that, Africans have to say collectively: 'This is not something that we will tolerate from others. From Cape Town to Tripoli, from Mombassa to Dakar and from Luanda to Maputo.'

Neither Egypt nor Libya, Namibia nor Botswana have to be seen as 'too strong or too weak' – or 'too different' - to take part in this dialogue and choice building. Building tomorrow already today cannot be postponed or relegated to a second priority in our context. ◬

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Moving in the right direction:

A testing road ahead for both

government and oposition

political parties

KENYA

BY KARANJA MBUGUA

transition politics and
the challenges
of democracy in Kenya

The decision by the Kenya African National Union (KANU), to allow plural democracy into Kenya in December 1991, was celebrated throughout East Africa[1] party authoritarianism had come to an end, and democracy (presumably) would flourish. Now, 10 years down the line, the euphoria that greeted the democratisation movement has ebbed, and disillusionment has set in among the Kenyan electorate[2]. The change from a one party to multi-party state has not translated into genuine democratic transition – the institutions are in place but they are not seen as representative.

After capitulating to both internal and external pressure for democracy, the regime of President Daniel arap Moi repealed section (A) of the country's constitution, which had imposed single party rule. However, crises emerged during both the 1992 and 1997 elections. Though the polling days were generally peaceful – due mainly to the presence of international monitors – the elections were conducted against the backdrop of an uneven electoral field. Insurmountable obstacles faced opposition parties, and the state instigated rural ethnic violence within cosmopolitan districts[3].

Facing a disjointed opposition, Mr Moi won both the presidential and parliamentary majority. However, his regime has previously been a minority government, enjoying only slightly more than 36 percent of the total vote.His wins gave him a new lease of life, and allowed him to reverse the democratisation process. He has reluctantly allowed constitutional reforms, but the electoral process is heavily skewed towards the ruling party. In the

absence of major political challenges, Mr Moi is well placed to dictate the terms of the impending transition. Consequently, he will bequeath his country weak democratic institutions.

This is contrary to democratic pluralism. The question is what went wrong? The answer lies in the dialectics of the struggle. After the fall of the Berlin Wall in 1989, autocratic governments in Africa – which had been propped up by Western powers intent on controlling the spread of socialism – lost their strategic value. Kenya was one of those countries.

Characterised by the synchronisation of power – which saw a marriage between kleptocratic and ethnocratic tendencies – the conservative government carried out an internal campaign of repression against divergent views. This campaign included detention without trial, arrests on charges of sedition, and the denial of employment opportunities. The campaign climaxed during the mid 1980s, with the Mwakenya[4] crackdown, which was characterised by police torture and abuse of the judicial process.

Moreover, the Moi regime dealt a deadly blow to Kenya's fledgling democracy by changing the voting method from the universally accepted secret ballot, to the queuing system. This change took place in 1988. The subsequent mass disenfranchisement spread internal dissent. Provincial administration officials engaged in electoral malpractices. Consequently, the regime's loss of appeal in the West coincided with a budding internal reform movement, spawned by one party tyranny.

The reform movement consisted of leftists, who had been suppressed since the 1960s, religious organisations, which had come out strongly against repression in the late 1980s; establishment politicians, who had been disenfranchised since 1988; human rights lawyers, who were against the 1986 constitutional amendment (which removed the security of tenure of constitutional offices); elite members of society, who had lost out in the power struggles of the 1980s; and ambitious individuals, whose success in a one party state could not be guaranteed[5]. Consequently, the movement was not informed by a common interpretation of the meaning and content of democracy

Under the leadership of the Forum for Restoration of Democracy (FORD), the movement formed its campaign around section 2(A) of the constitution, which outlawed democratic pluralism. Consequently, the movement gave birth to liberal democracy. Besides opening the political front, the reform movement also expanded the frontiers of expression – the country saw a new genre of media emerge and act as its mouthpiece. Despite state efforts to suppress it, this media – which consisted of the Nairobi Law Monthly, Society and finance magazines – thrived. However, one criticism against this media is that it preoccupied itself with the sleaze and failures of the Moi regime. Consequently, it missed the opportunity to campaign for a sustainable media policy.

December 1991 saw section 2(A) of the constitution amended. However, obstacles still stood in the way of democracy. For example, the entire legal structure retained a one party formation. During the course of its evolution, the one party state had eroded 'all the checks in the constitution. Instead of spreading power among several offices, it concentrated power in one office: the presidency'[6]. The presidency had emasculated all the independent bodies necessary for democratic practice, such as the electoral commission, the public service commission and the attorney-general. This had several implications for the emerging democratic process.

Firstly, the legal structure allowed the executive to monopolise the instruments of expression, such as the state media. It also took a keener interest than is normal in a democratic society in the judiciary, the electoral commission could not be relied upon to supervise free and fair elections, the civil service became an instrument of the ruling party, and the judiciary could not strongly enforce fundamental rights[7]. Consequently, a multi-party democracy was superimposed on a single party state infrastructure.

On the other hand, the government deliberately set out to derail the transition to democracy[8]. Using the colonial Public Order Act Cap 56, the government constantly denied licenses to opposition parties. This prevented them from holding rallies aimed at popularising their manifestoes. Opposition politicians were constantly arrested and arraigned in court on flimsy charges, and where licences were granted, the provincial administration continually disrupted their rallies.

These undemocratic practices soon formed the central tenets from which the constitutional reforms campaign grew. A consequence of this campaign was the Inter Parties Parliamentary Group (IPPG) minimum reforms agreement[9], which repealed a number of statutes, the majority of which related to the electoral process. Among them was the Public Order Act, which gave powers to the provincial administration and police over political

parties. With the IPPG agreement in force, parties were no longer required to obtain permits for rallies. They were only required to notify the police for security purposes.

Legal obstacles aside, the ruling party engineered a new culture of political defections within the country. A number of leaders who had been elected on opposition party tickets defected to the ruling party. Often, defectors were received by the president (also leader of the ruling party), or by top ruling party officials. This presented new problems. While the process of receiving defectors blurred the difference between ruling party and state functions, defections were a new form of corruption aimed at undermining democracy. Defectors expressed no respect for the will of the electorate, showed no understanding of political party policies, and were too expensive to the taxpayers (owing to the by-elections that were necessitated).

Secondly, the ruling party introduced political zones, which were inimical to the law. Certain districts were designated as ruling party zones, and opposition parties were denied permits to campaign there. Members of ethnic communities residing in those areas, who were suspected of sympathising with the opposition, were threatened with violence and evictions. Ruling party officials also started a weird campaign for *majimboism*[10],

which is a form of ethnic federalism[11]. Supported by state machinery, these officials held rallies in selected provinces and demanded *majimboism* as a counterweight to plural democracy. Only those individuals who had stakes in the status quo, or who felt threatened by change, vociferously campaigned for *majimboism*[12].

Thirdly, state-sponsored ethnic clashes erupted in various parts of the country. 'As the clamour for pluralism gathered momentum', President Moi 'predicted' that Kenya's return to a multi

party system would threaten the state. He also 'predicted' that it would polarise the country along tribal lines, and plunge it into ethnic violence[13]. Consequently, Kenyans exchanged knowing glances whenever ethnic violence erupted along the perimeters of Moi's Rift Valley and the Coast Province. Outside of Nairobi, these two provinces are more cosmopolitan than any of the other five.

The purpose of the violence was to alter political demography in favour of the ruling party. It was also aimed at predetermining the outcome of elections, thereby guaranteeing the ruling party victory in the elections[14]. Consequently, it was targeted at communities perceived to be opposition sympathisers. To conceal the involvement of the state, the violence was executed through private militias[15].

Supporters of Kenyan economist Mwai Kibaki hold up posters of their candidate shortly after he was nominated as opposition presidential candidate for the National Rainbow Coalition in Nairobi

KANU Secretary General Raila Odinga's supporters demonstrate outside the headquarters of the ruling party in Nairobi after he announced his intention to run for the presidency in the next general elections

These militias mobilised traditional structures, such as 'warrior' bands, who were often dressed in traditional attire or informal uniform. They were also armed with traditional weapons, such as bows and arrows, machetes and spears[16].

Opposition parties criticised the government's human rights record, as well as its corruption and management of the economy. However, few conceived an alternative system and their political discontent hardly transcended anti-Moi slogans. As mentioned earlier, FORD consisted of former leftists, right-wing politicians (disenfranchised during the dying years of the one-party regime), human rights lawyers, ethnic nationalists and other ambitious individuals. Strange bedfellows indeed, but they had agreed on a truce – however temporary or precarious – to fell the one-party tyranny.

However, this marriage of convenience soon came tumbling down. The party suffered from petty squabbles about individual ambitions, ethnic nationalism and ideological differences[17]. As a result, the opposition could not transcend one-party political culture[18]. While one wing was concerned with the institutionalisation of democracy, another was more interested in wrestling power from the incumbent elite, without fundamentally altering the existing social hierarchies. Bogged down by wrangles over leadership, FORD missed the opportunity to initiate a discourse on the necessary reforms and institutions required in order to entrench democracy. Consequently, its policy

document – the Post Election Action Programme (PEAP) – was not pursued.

Thereafter, FORD burst under the weight of ethnic nationalism and petty rivalry. It competed as two separate parties during the 1992 elections: FORD-Kenya, led by veteran politician, Jaramogi Oginga Odinga; and FORD-Asili, led by former detainee and cabinet minister, Kenneth Matiba. Each party won 31 seats in parliament. Jaramogi's Luo community formed the bedrock of Ford-Kenya, and turned out to be relatively progressive and politically focused. In the one year that Jaramogi led it before he died in February 1994, it articulated labour and welfare issues. On the other hand, FORD-Asili was largely conservative. Its constituency – which consisted of the underprivileged within the Kikuyu community – supported the clamour for change, and believed the new era would redress the social injustices of the previous one. Though Matiba emerged second to President Moi in the election, his party's post-election politics turned out to be eccentric and incoherent. This was largely due to his ill health. The party disintegrated a few years later.

The other main group in the opposition – the Democratic Party of Kenya (DP) – was an offshoot of KANU. It was formed by the demoted vice-president, Mwai Kibaki, and his allies. All DP officials were an integral part of the Moi regime, and were apologists of one-party autocracy. Unlike the FORD sisters, which drew legitimacy and moral

authority from their involvement in the struggle for democracy, the 'DP's formation [appeared] to have been motivated by two factors: individual ambition and class interests'[19]. Indeed, the party was formed in order to articulate the interests of the middle class, which amassed substantial wealth during the economic boom of the 1970s[20].

Formed soon after plural democracy was legislated, the party hardly concealed its reactionary character – it drew its leadership from the old generation politicians, who had their best years during the previous era. Some of them barely concealed their ethnocentric strains of arrogance and contempt for other Kenyans. Not surprisingly, the party performed poorly in the elections. It won 22 seats in parliament, and Kibaki came third in the presidential race.

With these diverse interests represented in the opposition, it could hardly approach the post-1992 democratisation challenges as a coherent movement. Confronted by the dialectic between ethnicity and nationalism, all of them opted for the former. The FORD sisters plunged into destructive intra-party wrangles, and eventually split into other smaller parties. FORD-Kenya gave birth to SAFINA and the National Development Party (NDP), while a third faction teamed up with the Social Democratic Party (SDP). Out of FORD-Asili came Saba Saba Asili, and a second faction joined the SDP.

The DP was torn between its desire to appear national, and the temptation to package itself as a GEMA[21] front. Its leaders' participation in the new dispensation was motivated by the desire to regain power. It never saw the changes that took place in the country as a long-term struggle for democracy. Issues – such as good governance, human rights, and constitutional and economic reforms – passed them by. Consequently, the party's contribution to the political discourse was poor and often out of touch with contemporary thinking[22].

Nonetheless, opposition parties still played a crucial role in furthering the cause of democracy, in that they counterbalanced the ruling party in parliament. However, their preoccupation with internal turmoil, as well as their incapability to

Kenyan president Daniel arap Moi arrives to participate in a political meeting. After ruling Kenya for 24 years, mostly with absolute powers, Moi's grip on the country and its politicians is slipping away as his party splinters and former yesmen turn against him.

SIMON MAINA/AFP
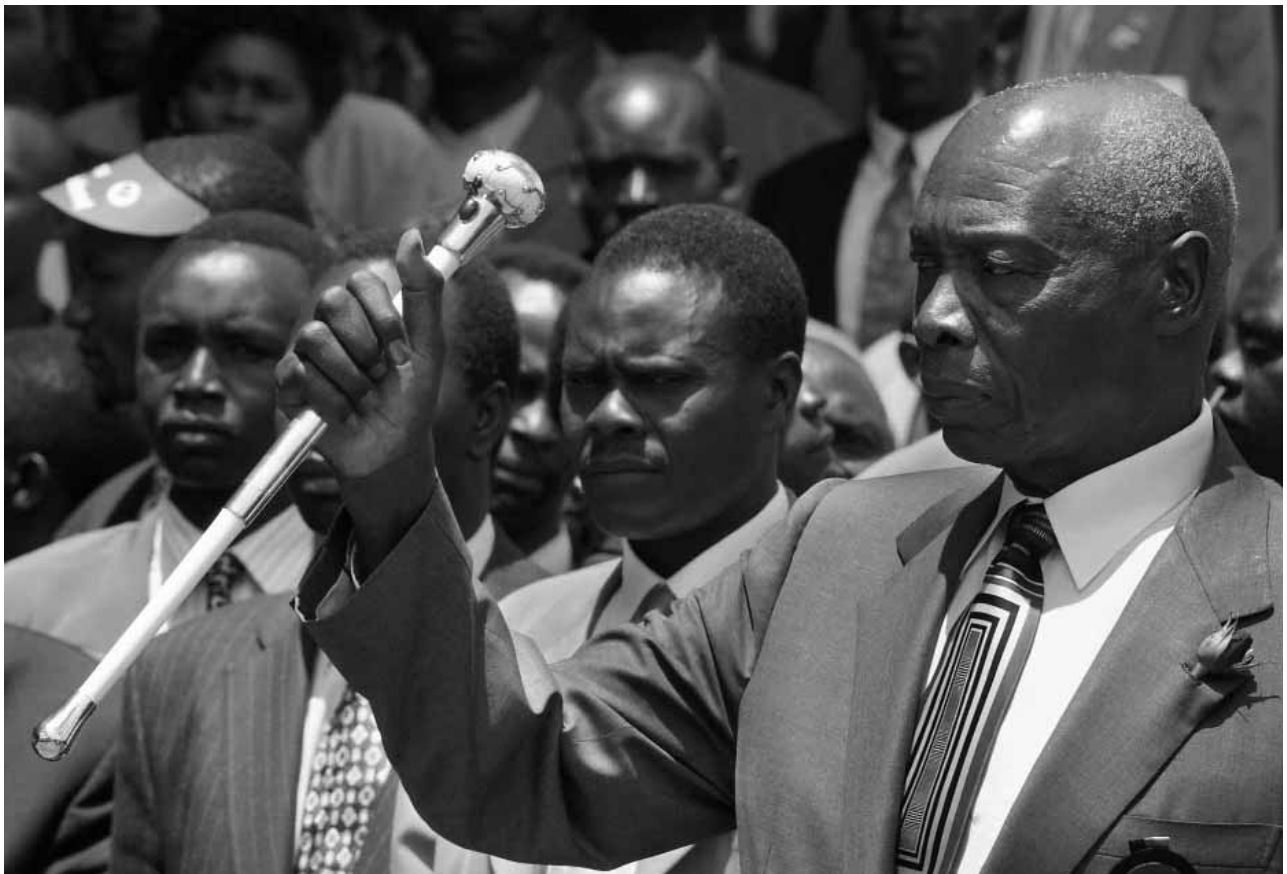
Ralial Odinga, former secretary general of Kenya's ruling KANU party waves to the crowd after announcing his resignation from the pro-government party in Nairobi, Kenya

coherently pursue the cause of democracy, left a vacuum. This void was filled by the emergent non-governmental organisation (NGO) sector, particularly the human rights and governance NGOs. The Kenya Human Rights Commission (KHRC), as well as the Kenyan chapter of the International Commission of Jurists (ICJ), housed these NGOS[23].

Acting as the intellectual wing of the opposition, these NGOs focused on legal and political reforms. They formed a civil society lobby called the Citizens Coalition for Constitutional Change (4Cs). The 4Cs initiated the National Convention Assembly (NCA), which, in turn, led to the National Convention Executive Council (NCEC). Together, these initiatives spearheaded the mid-1990 reforms, which culminated in mass action prior to the 1997 elections. Meanwhile, other NGOs emerged and pursued economic and public policy issues. In addition, lobbies for women and children's rights were also formed.

However, political NGOs had no constituency, and relied on political parties for mass mobilisation[24]. Moreover, they were donor-driven, which raised suspicion within political circles. The politicians had a point – if democracy was to be born out of a struggle by the oppressed (as was Kenya's experience in the 1950s and early 1990s), then donor-driven liberation initiatives were out of form. Consequently, politicians withdrew their support. They teamed up with KANU and formed the IPPG prior to the 1997 elections. As a result, the NGO-led mass protests collapsed. The parliament-led IPPG initiative undertook minimum constitutional reforms, which saw the country through elections. It promised a full review of the constitution after the elections. However, that promise has still not been fulfilled. There are several reasons for this.

Firstly, the ruling party has not been eager to pursue reforms. The present constitution confers excessive powers to certain institutions (notably the presidency), and these institutions have enabled the ruling party to retain power. Secondly, some militant groups within the opposition shifted

their relations with the ruling party, and adopted a policy of 'cooperation'. Leader of the opposition, Raila Odinga, has been part and parcel of the reform movement since the early 1980s. He played a crucial role in the events of early 1990s, which ushered in plural democracy. He also provided foot soldiers during the mass protests of 1997. However, his policy shift completed the transformation he had started, when he embraced ethnic nationalism in the early days of plural democracy. Less courageous MPs introduced a weird concept of technical party membership, in order to retain their seats. They openly shifted their loyalties to other parties, but remained in parliament as members of the parties which originally sponsored them. This diluted their contribution to the policy discourse and reform initiatives.

The 1997 elections saw the conservative wing ascend within the opposition. In an election deficient of issues – but rich in ethnic passions – the DP opted to team up with KANU. Under the leadership of the IPPG, it won 39 parliamentary seats and became the official opposition. This development had two related effects: it demobilised activism, and consequently, gave KANU leeway to regain the initiative. As Mr Moi and his party recaptured the initiative, the centre of political reforms shifted again – this time to religious organisations.

These organisations teamed up under the Ufungamano[25] initiative and spearheaded much desired reforms. The Constitution of Kenya Review Commission (CKRC) – a compromise group – was established. The CKRC has been busy in the countryside, collating public views. Last month, parliament passed a law that will allow the CKRC extra time (to January 2003) in order to complete the review process. This move came about amidst acrimonious debate on whether or not to extend the term of parliament (and that of president) beyond the constitutional mandate. However, President Moi has said that he will call elections on time. According to Kenyan law, the president has the power to call elections without reference to the National Assembly. In opposition and civil society circles, there are two conflicting views regarding the way forward.

The first view is represented by the National Alliance for Change – this is a group that brings together conservative forces within the opposition. The alliance would prefer elections to be on time, but would like them to take place under a new constitution. The group has pegged its plans on a single candidate against KANU, and has developed its election strategy on new power structures. The position of prime minister, as well as several deputy premiers, feature in its new structures. However, the group is ambiguous about what to do if the CKRC does not complete its review process before December.

The second view emanates from the Kenya Peoples Coalition. This coalition prefers an interim constitution that would see the country through elections. It would also, presumably, reform the electoral process in order to ensure that the winning presidential candidate garners at least 50% of the total votes. Also, it would introduce proportional representation, and would address transition justice issues. However, opponents of this view argue that the process of enacting an interim constitution could be as acrimonious as enacting a new one. A third view, represented by a faction of the SDP, would prefer elections to take place under the current constitution. Their argument is that President Moi would take advantage of the review process in order to extend his rule. They cite a 1992 court ruling, which favoured Mr Moi when his eligibility was challenged, on the grounds that he had been president since 1978. The disadvantage of this view is that it reduces Kenya's democratisation process to the replacement of one man – President Moi.

Such is the divergence within the opposition's perspectives. Their inability to transcend ethnic sentiment also works to their disadvantage. Mr Moi seeks to re-define Kenya's democracy in his image. In April this year, his KANU party merged with the NDP to form a new KANU. The party is currently experiencing fissures, along ethnic lines, over his succession. The members of the defunct NDP are leading a revolt and the party's future looks shaky. However, Mr Moi has spent a lifetime confounding expectations. He runs his party with an iron fist, and his speeches are often spiced with triumphant tones. Three conditions favour him.

Firstly, with 24 years at the helm, Mr Moi controls all the state machinery, and has not hesitated to use it to his advantage. He is also conscious of the generation 'jam' that his prolonged stay in power has created. Secondly, free of ideological persuasions, all political parties have a common perception of power – they all perceive political engagement as an instrument of personal edification, and as an accumulation of wealth. Thirdly, Mr Moi has a long association with his challengers, and he knows them relatively well. Furthermore, he has straddled Kenya's political landscape for

more than four decades. In the past, he has co-opted them, allowing them to feed on the troughs of the state. He has also rotated them in order to disarm them. This has blemished their credibility. Consequently, Mr Moi is able to structure the next dispensation, despite the opposition.

Away from the political scene, the democratic culture has permeated other institutions of governance. One need not belabour the vibrancy of civil society. The media has made giant strides, despite concerted state efforts to stem its growth. During the last few years, judicial methods of suppression – which include hefty court fines for defamation charges – have replaced the old methods of the early 1990s. Recently, the National Assembly passed a law that was tailored to control freedom of expression. Nevertheless, the country has seen an increase in the number of print and electronic media houses.

Other than the state-owned Kenya Broadcasting Corporation (KBC), several other television stations have been established. They include the Kenya Television Network (KTN), owned by the Standard Group; Nation TV, owned by the Nation Group; Family TV; Stellavision TV; and Citizen TV. In terms of radio, there is a range of FM stations which are competing with the KBC, despite their restriction to a 60km radius around Nairobi. In the print media, the People Daily (founded as a weekly paper in February 1993) has joined the Daily Nation, the East African Standard, and the on-off KANU mouthpiece, the Kenya Times. The East African, which was founded in 1994 by the Nation Group, is also a credible regional weekly.

These media houses are more courageous and

vibrant compared to the timid, conformist press of the early 1990s, as is a new genre of print media - the alternative press. However, this media pales, both in quality and content, compared to the mainstream and alternative media of the early 1990s. As an instrument of social governance, however, the media's response towards social prejudice leaves a lot to be desired. Instead of confronting these attitudes and stereotypes with a view to changing them, the media often reinforces them.

In conclusion, Kenya has gone relatively plural during the last decade – at least in terms of there being a multiplicity of political parties and media houses. Sadly, this pluralism has not effected a fundamental transformation in the way politics is approached. However, the country is generally more tolerant. Even state apologists have adopted the lexicon of democracy and human rights. Ruling party officials often quote the covenants of human rights and fundamental freedoms. Meanwhile, attorney-general, Amos Wako, fraternises with human rights activists and civil society groups[26]. Despite strong resistance, the human rights doctrine has even permeated the police and prisons departments. On their part, opposition parties are moving toward broad alliances. However, these alliances – like the parties themselves – are lacking in shared ideological persuasions, and regional and pan-African perspectives. In addition, the parties have yet to come up with viable options aimed at resolving the dual character of ethnicity, as well as the dialectics of ethnicity and power. No doubt, these are part of the many challenges that will face democracy during the next decade.

ENDNOTE

*   Mr Mbugua is a Nairobi-based Journalist

1   Arnii Ornara-0tunnu, 'The Prospects For Democracy In East Africa', Nairobi Law Monthly, No. 42, April-May 1992.

2   See commentaries in Daily Nation, Tuesday, July 9, 2002; and Sunday Press, July 7, 2002; and Saturday, July 8, 2002.

3   'Killing The Vote: State-Sponsored Violence and Flawed Elections In Kenya', a Kenya Human Rights Commission report, 1998.

4   Ngugi wa Thiong'o in 'Barrel of a Pen', Africa World Press, First Edition, 1983, pg IV.

5   The early 1980s repression drove several groups (which espoused leftist values) underground. Mwakenya was the best known of them.

6   Weekly Review Magazine, December 13, 1991.

7   Pheroze Nowrojee 'Constitutional Reform: What The Debate Is All About', Nairobi Law Monthly, No. 63, pg 8-16.

8   Ibid.

9   Dr. Gibson Kamau Kuria, 'Arguments Against Pluralism Cannot Stand The Test', Nairobi Law Monthly, No.59, pg 53-56.

10   Parliamentary parties formed the IPPG, after a series of violent street protests demanded constitutional reforms in mid-1997. The protests were led by civil society lobby, the National Convention Executive Council (NCEC). The IPPG consisted of moderates who were opposed to the militant methods employed by the NCEC.

11   The policy of majimboism emerged in the late 1950s and early 1960s. Based on the notion of 'group rights' - particularly the rights of ethnic minorities, as well as exclusive ethnic territory - the policy is akin to federalism.

12   Professor Eric Aseka, 'Federalism is a Different System From Majimboism', Daily Nation, August 3, 1994, pg 6.

13   Professor Al Amin Mazrui, 'Majimbo: The Hidden Danger For Everybody', Daily Nation, July 11, 1994, pg 6.

14   'Killing The Vote, State-Sponsored Violence And Flawed Elections in Kenya', a Kenya Human Rights Commission report, 1998.

15   'Playing With Fire: Weapons Proliferation, Political Violence and Human Rights In Kenya', a Human Rights Watch report, May 2002.

16   'Investigation Report on Violence in Kenya's Coast Province', NGO council report, 1998; and 'Playing With Fire: Weapons Proliferation, Political Violence and Human Rights In Kenya', a Human Rights Watch report, May 2002.

17   Ibid.

18   This tactic of using private militias is an informal style of repression that was invented by the CIA in order to undermine left wing governments in Latin America. It was also used to prop up right wing governments in Africa. It was widely used in apartheid South Africa during the 1980s in order to repress anti-apartheid activists.

19   'Playing With Fire: Weapons Proliferation, Political Violence and Human Rights In Kenya', a Human Rights Watch report, May 2002.

20   'Majeshi ya Wazee', a Friedrich Ebert Stiftung report, 2002.

21   Makau Mutua & Kamau Kuria: 'The Kanu Government's Intransigence: Opportunism and the Transition to Pluralisrn', Nairobi Law Monthly, No. 42, April-May 1992, pg 43-45.

22   Kiraitu Murungi, 'Reflections on Ford's Leadership Debate', Nairobi Law Monthly, No. 42, April-May 1992. 23 David Throup and Charles Homsbuy 'Multi-party Politics In Kenya', First Edition, 1995.

24   Ibid.

25   GEMA is an acronym for Gileuyu, Embu and Meru - a group of linguistically and culturally close communities living around Mount Kenya. In pre-colonial Kenya, they circulated goods, women and services, but were not ethnic. Today, they form the largest community and voting block. The name GEMA was coined in the 1970s, when an organisation by that name was formed to protect the interests of the elite around Jomo Kenyatta. Incidentally, most DP founder members and financiers were former GEMA officials.

26   Daily Nation, March 12, 2001, news analysis, pg 6.

Lesotho succeeds with a

mixed electoral system

LESOTHO

BY MANDLA SELEOANE

2002 elections in
Lesotho
impressions of a passer-by

I had the privilege of unofficially observing the Lesotho elections earlier this year. In this article, I will offer my rather tentative impressions of the event, conscious of the fact that I cannot in any way claim to be an authority on Lesotho.

HISTORICAL BACKGROUND

The archaeology behind elections in Lesotho is ably documented by Southall and Petlane[1]. Lesotho held its first elections in 1965. The contest was mainly between the Basotho National Party (BNP) and the Basotho Congress Party (BCP)[2]. The BNP gained 51,66 percent of the parliamentary seats, the BCP clinched 41,67 percent, and the

Marematlou Freedom Party (MFP)[3] captured the remaining 6,67 percent.

Owing to the first-past-the-post-electoral system, the BNP was assured a greater percentage of parliamentary seats than it actually won. Fox – another commentator on Lesotho – refers to the fact that the BNP received 41,73 percent of the votes. Logically, it should only have received 41,73 percent of the parliamentary seats – instead it got 51,66 percent.

The problem with the Fox proposition is that it highlights only one aspect of reality. The BCP also benefited from the system – it managed to clinch 39,84 percent of the votes, but received a 41,73 percent representation in parliament. By contrast,

the MFP won 16,25 percent of the votes, but only got 6,67 percent of the parliamentary seats.

Perhaps, had a different electoral system been used, the BNP would not have had an overall majority. Consequently, it would have been forced into coalition politics.

If we follow Fox's formula, we run the risk of suggesting that something is wrong with the BNP, rather than with the electoral system. In other words, we insinuate that the system helps benefit a certain party, while being disadvantageous to others.

Once again, the 1970 elections were mainly a contest between the BNP and BCP, with the MFP being further marginalised. The BCP won 49,8 percent of the votes and received 36 seats, while the BNP clinched 42,2 percent of the votes and received 23 seats. Leabua Jonathan nullified the elections, suspended the constitution and seized power.

The next attempt at elections was in 1985. However, Leabua changed the rules of the game – suddenly a candidate needed 500 nominees and had to make a deposit of 1000 Maloti in order to participate in the elections. Other contenders boycotted the elections, and the BNP candidates were declared the uncontested winners of all 60 seats.

In 1986, there was a military coup and the next elections took place in 1993. Although about 12 political parties participated, the real contest was once again between the BNP and the BCP. By the time of the elections, the constituencies had increased from 60 to 65. The BCP won 74,7 percent of the votes, and for that it managed to capture all 65 parliamentary seats. On the other hand, the BNP won over 22,6 percent of the electorate, but went home empty-handed.

The next election was in 1998. Once again, the political landscape changed somewhat prior to the elections. The parliamentary seats increased from 65 to 80, and the BCP split in two – one part remained the BCP and the other became the Lesotho Congress Democracy (LCD)[4]. No less than 60 percent of the votes supported the LCD, which translated into 79 of the 80 parliamentary seats. With 25 percent of the electoral support, the BNP got only one parliamentary seat.

This resulted in a deep sense of injustice with regard to the way in which the electoral system functioned – four months after the elections, the country went up in flames. Soldiers sympathetic to the BNP refused to obey the LCD. Military intervention was sanctioned by the Southern African Development Community (SADC) in order to restore order. However, it was South Africa and (to a lesser extent) Botswana that carried the brunt of the military intervention.

Peace was restored to Lesotho at a cost – 75 lives were lost and regional relations suffered a major blow. At a June seminar hosted by the Institute for Global Dialogue, Southall mentioned that the military intervention highlighted one crucial point – that taking on a *bigger fighting machine* was pure folly!

In my view, this argument fails to take into account factors such as national honour, and what the humiliation of defeat does to the prospects of future relations. The argument ignores the fact that when the disturbances began, Lesotho soldiers never anticipated having to face the military might of South Africa or Botswana.

It was a matter of national honour – once that eventuality materialised – to put up a fight. The matter was no longer just between the LCD and BNP. As the Basotho argue, the king was not consulted when the LCD accepted foreign military assistance. Consequently, the honour of the kingdom was at stake.

I consider it a matter of common sense that even today, if a similar situation should arise, Lesotho's army would put up a fight. To expect anything else would go against the very logic of having a defence force in the first place. If the *'bigger fighting machine'* logic held, the USA-Iraq conflict would not have happened; the onslaught of the allied forces on Yugoslavia would not have happened; George Bush's war on Afghanistan would never have materialised; and the USA and Britain would not be planning an attack on Iraq.

THE 2002 ELECTIONS

The riots that followed the 1998 elections emphasised the need to revisit Lesotho's electoral system. The *Interim Political Authority* was given the responsibility of devising a new electoral system aimed at ensuring fresh elections were held within 18 months.

Changing the electoral system

The new electoral system was a combination of the first-past-the-post system and proportional representation (some observers believe it was borrowed from Germany). It was decided that the parliamentary seats would be increased from 80 to 120. Of these seats, 80 would be contested at a constituency level (similar to the first-past-the-post system). The remaining 40 seats would be

contested on a proportional representation basis. Voters would, therefore, cast two ballots on Election Day – one for the MP of their choice, and a second for the political party of their preference.

In practice, this would mean that for the first 80 seats, its business as usual – the winner takes all. The factor is not the party, but the candidate. If a candidate wins 51 percent of the votes, the winner will represents both the 51 percent that voted for him/her, as well as the 49 percent that did not.

The remaining 40 parliamentary seats will be allocated on a proportional basis, according to a predetermined formula and a previously prioritised list of candidates. If a candidate, who appears on the proportional representation list, has already won a constituency seat, he/she cannot be allocated a proportional representation seat – the seat would then go to the next candidate on the list.

There was widespread speculation (and even fear) that the voting system was too complex. However, on Election Day I spoke to a number of voters, and gained the impression that they did not find the system confusing.

Depoliticising the army

If was just as necessary to depoliticise the army as it was to adjust the electoral system in order for parliamentary democracy to have a chance in Lesotho. The army should always be an instrument of the state – it should never function as a political party. It must always protect the democratic system of government, irrespective of which party forms that government.

Consequently, prior to the 2002 elections, the army was sensitised to its social role according to the precepts suggested above. This was done under the auspices of the SADC and the Commonwealth.

Monitoring

The 1998 election results led to discontent, not only because of the winner-takes-all electoral system, but also because they were rumoured to have been rigged. Southall and Fox argue that Deputy President Thabo Mbeki (as he then was) supported the idea of subjecting the conduct of the elections to an investigation by a commission, probably because he did not believe they had been properly conducted. The commission noted many irregularities. However, it was unclear whether or not the result reflected the will of the electorate. Consequently, it was necessary to monitor the 2002 elections very carefully. The voter registration process; the transparent ballot boxes; the computerised analysis of election results; the effective communication system between the centre of analysis and the constituencies; the voter education programme; and the presence of external observers – all these aspects formed part of an elaborate plan aimed at making the elections work.

A woman displays her identification card, as she waits in a line some 80 kilometers east of Maseru, to cast her vote in Lesotho's parliamentary elections

YOAV LEMMER/AFP

39

Campaigning in Lesotho

The absence of electioneering posters was noticeable while I was in Lesotho. Only BNP posters were visible, even though 19 parties were competing in the elections. A visitor joked that she would have voted for the BNP if she could have. Her reasoning was that the BNP was the only party that cared to market itself. Therefore, it would probably be the only party that would also care to market Lesotho, if it got the mandate to run the country.

However, many Basotho people that I spoke to saw things a little differently. They argued that it cost money to produce electioneering posters – the BNP would have to explain to the nation where it got the money from.

So, I persisted, how do the voters know who or what they are voting for? The answer is simple – the Basotho people do not have the tradition of poster electioneering. If you have something to say to them, you call a meeting; you drive around and give them your message through a loudspeaker; you talk to them through the radio; you produce election manifestos; or you pay someone a visit at their home. In addition, every party has village, ward and district cells through which they communicate their message.

However, I am told the Basotho people tend to stay with the party they support, irrespective of the issues at stake – unless something goes terribly wrong. Apparently, many Basotho people do not know the full names of the BNP, BCP or LCD. However, they know the leaders of these parties. They know their history and what they stand for. This explains the court battle about which party has the right to use Ntsu Mokhehle's head as a symbol.

A youth studies a rainbow styled Basotho National Party (BNP) graffiti in Maseru on the eve of general elections in which three main parties contesting the elections scrambled to win over undecided voters

Considering Lesotho boasts literacy figures upward of 65 percent, I found all of these bits of information fascinating. However, their system seems to be working well enough without the nuisance of electioneering posters. If I had any lingering misgivings about the wisdom of their approach, the outcome of the elections removed them – the party with the posters and resources did not carry the day.

I was also struck by how seriously the Basotho people take their language – they insist on speaking Sesotho to people they know will not understand the language. I found it instructive, nevertheless, that all the election manifestos were written in Sesotho.

OUTCOME OF ELECTIONS

The final election results were announced on 29 May 2002, and are summarised in Table 1. There were two failed elections. Consequently, the table shows 118 seats in lieu of 120, and the percentage column is two points less than 100.(See Table One).

The LCD gained 17 percent over its 1998 electoral performance, thus sealing any debate about the authenticity of its victory. It also quashed the theory that it gained its previous victory by deploying ghost voters. Its closest rival – the BNP – went down by 2,6 percent, relative to its previous electoral performance.

Whilst the dominance of the LCD is beyond any question, the National Assembly is also more representative, even leaving room for those who didn't draw as much as a full percentage of electoral support. It is now up to the people of Lesotho to make their government work for them.

WALTER DHLADHLA/AFP

Table One: Summary of Election Results			
Party	*Number of Votes*	*Percentage Votes*	*Number of Seats*
BAC	16095	2.9	3
BCP	14858	2.7	3
BNP	124234	22.4	21
LCD	304316	54.8	77
LPC	32046	5.8	5
NIP	30346	5.5	5
NPP	3985	0.7	1
LWP	7788	5.9	1
MFP	6890	1.2	1
PFD	6330	1.1	1
Totals	554386	98.6	118

CONCLUSION

I have referred to a seminar – hosted by the Institute for Global Dialogue – during which the Lesotho elections were discussed. The seminar raised a number of questions regarding democracy in Africa. One of the issues discussed was the appropriateness of the Westminster form of government in Africa. Another topic of discussion was whether or not political systems (and received opinion on democracy) should be altered in order to accommodate 'bad losers'.

These issues raise an important debate – political arrangements must remain a contested space, whatever name we give to them. The fact that certain opinions are received, should not foreclose the contestation.

Political arrangements are (and always have been) relative in space and time. The Westminster form of government was inserted into our political consciousness at a particular historical moment. The fact that it acquired – at another historical moment – the status of conventional wisdom for some, should not insulate it from criticism. As history progresses, 'established' views are questioned and even replaced. As Southall suggests, the Westminster system of government is even being adapted in Britain.

In the case of Lesotho, the system is, after all, part of the colonial legacy and should have been questioned much earlier. The adoption of a mixed electoral system should not, therefore, be seen as succumbing to 'bad losers'. Similarly, the system of proportional representation was not invented in Africa. It rejects the winner-takes-all approach, and insists on political parties being represented in ratios that reflect their support on the ground.

Essentially, political systems were not designed by some deity from above. Consequently, we should be willing to critique them and, if they don't work, make the necessary adaptations – without the risk of being called 'bad losers'. So, well done, Lesotho! ◬

ENDNOTE

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1 Southall R and Petlane T (Eds.), 1995, *Democratisation and demilitarisation in Lesotho: the General Election of 1993 and its Aftermath*, Africa Institute of South Africa. See also Southall R and Fox R, *Lesotho's general election of 1998: rigged or de rigueur?* In "The Journal of Modern African Studies", 37, 4 (1999); Southall R, *Lesotho Set Fair to Good for May Election*; and Business Day 23/05/2002, *Tiny kingdom comes under scrutiny as it readies for election: Vote could cement stability in Lesotho.*

2 Basotho National Party and Basutuland Congress Party respectively.

3 Marema-Tlou Freedom Party.

4 Lesotho Congress for Democracy.

5 See *Lesotho Congress for Democracy v Lesotho People's Congress, Director of Elections and Attorney-General*, CIV/APN/647/2001.

6 The breakaway group being Lesotho People's Congress.

7 Basutoland African Congress.
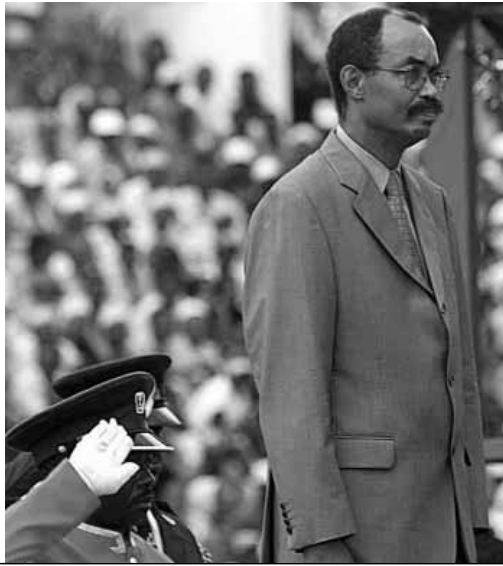
TANZANIA

BY MOHAMMED OMAR MAUNDI

Tanzania

the march towards democratic consolidation

Tanzania's democratic transition started in July 1992, when it was formally legislated that the country would follow a multi-party system of democracy. This came about after more than 30 years of one-party rule.

In 1991, a small but very strong lobby emerged and started pressuring the government to initiate democratic reforms. The government responded by establishing a Presidential Commission in March 1991. Under the chairmanship of Chief Justice Francis Nyalali, the commission was given the responsibility of proposing appropriate political changes – one of its recommendations was the adoption of a multi-party political system.

In January 1992, the National Executive Committee of the ruling party – the Chama cha Mapinduzi (CCM) – endorsed the commission's recommendations. In May of the same year, the National Assembly enacted a law which legalised multi-party activities – the law came into effect in July 1992.

It is obvious that Tanzania's democratic transformation has followed a *guided transitional model*. The main characteristic of this model is that the transition is completely controlled by the regime in power. This model is different from a *national conference model*, where a sovereign body (representing broader national interests) is created to lead the transition to democracy.

FROM DEMOCRATIC TRANSITION TO DEMOCRATIC CONSOLIDATION

Democratic transition and democratic consolidation are two sides of the same coin. Although the two concepts are interlinked, they involve very distinct

processes-while democratic transition is a short-term process, democratic consolidation is a long-term one. For example, it was an eventful step when Tanzania reverted back to a multi-party political system in 1992. Crucial as it was, the decision itself did not constitute a meaningful democratic transition.

Time was needed to lay down the rules of party formation, for conducting elections, and for establishing the appropriate institutions which would be responsible for supervising the electoral process.

The distinction between democratic transition and democratic consolidation helps us critically evaluate ongoing democratic transformations. As a result, we are able to determine whether or not a country is really moving towards a meaningful democracy.

While the distinction between democratic transition and democratic consolidation helps us understand the short and long-term nature of democratic transformations, it is not always easy to determine the exact time when one process ends and the other begins. For example, at what point is a country considered to be in a transitional phase? Is it when a multi-party system is formally legalised, or is it only after the first or second multi-party elections?

According to Juan Linz and Alfred Stepan, a democratic transition is complete when a democratic election is held that meets Robert Dahl's seven institutional requirements for elections prescribed in his *Polyarchy.*

As for democratic consolidation, a country can be said to have consolidated its democracy once the democratic structures have been institutionalised and formalised. Another indication of democratic consolidation is when the major political actors have genuinely accepted the rules of the democratic game, and have applied them repetitively. This is in line with Juan Linz and Alfred Stepan's definition of consolidated democracy, which combines behavioural, attitudinal and constitutional dimensions.

From a behavioural point of view, democracy becomes consolidated when significant political groups stop attempting to overthrow the democratic regime. From an attitudinal perspective, democracy becomes consolidated when the majority of

Members of the honour guard cheer after Amani Abeid Karume was sworn-in as new president in line

ALEXANDER JOE/AFP

the people believe that any future political change must emerge from within the parameters of the democratic processes.

From a constitutional viewpoint, democracy becomes consolidated when all political actors become habituated to the fact that political conflict within the state will only be resolved according to established norms, and that violations of these norms are likely to be both ineffective and costly.

TANZANIA'S EXPERIENCE

Tanzania is a united republic and consists of two distinct entities: the Tanzania mainland and Zanzibar. Zanzibar is an autonomous entity with its own executive, legislature and judiciary. The following analysis will cover both the mainland and Zanzibar.

The democratic transition throughout Tanzania began in 1992. The process was completed in 1995, following the country's first multi-party elections. The process of democratic consolidation began immediately after the 1995 elections. A few

indicators follow, which demonstrate Tanzania's march toward democratic consolidation. First and foremost is the country's respect for human rights. This is illustrated by including all the fundamental freedoms within the constitution, and by establishing the Human Rights Commission. A thriving independent media is testimony to a respect for the freedom of expression.

No less than 15 political parties have registered, and five others have applied for registration. The existence of these political parties is obvious evidence of respect for the freedom of association. The people of Tanzania are free to form and join political parties of their choice, which also indicates a move toward democratic consolidation.

The second multi-party elections (which were held in 2000) indicate that the country's political system is maturing. The fourth indicator is the popular participation of the people within the political process.

In the 1995 elections, a total of 13 political parties presented 1,338 candidates who competed for the 232

Supporters of Tanzania's ruling Chama Cha Mapinduzi (CCM) party greet their leader, President Benjamin Mkapa, during the last election rally in Dar Es Salaam before the presidential elections
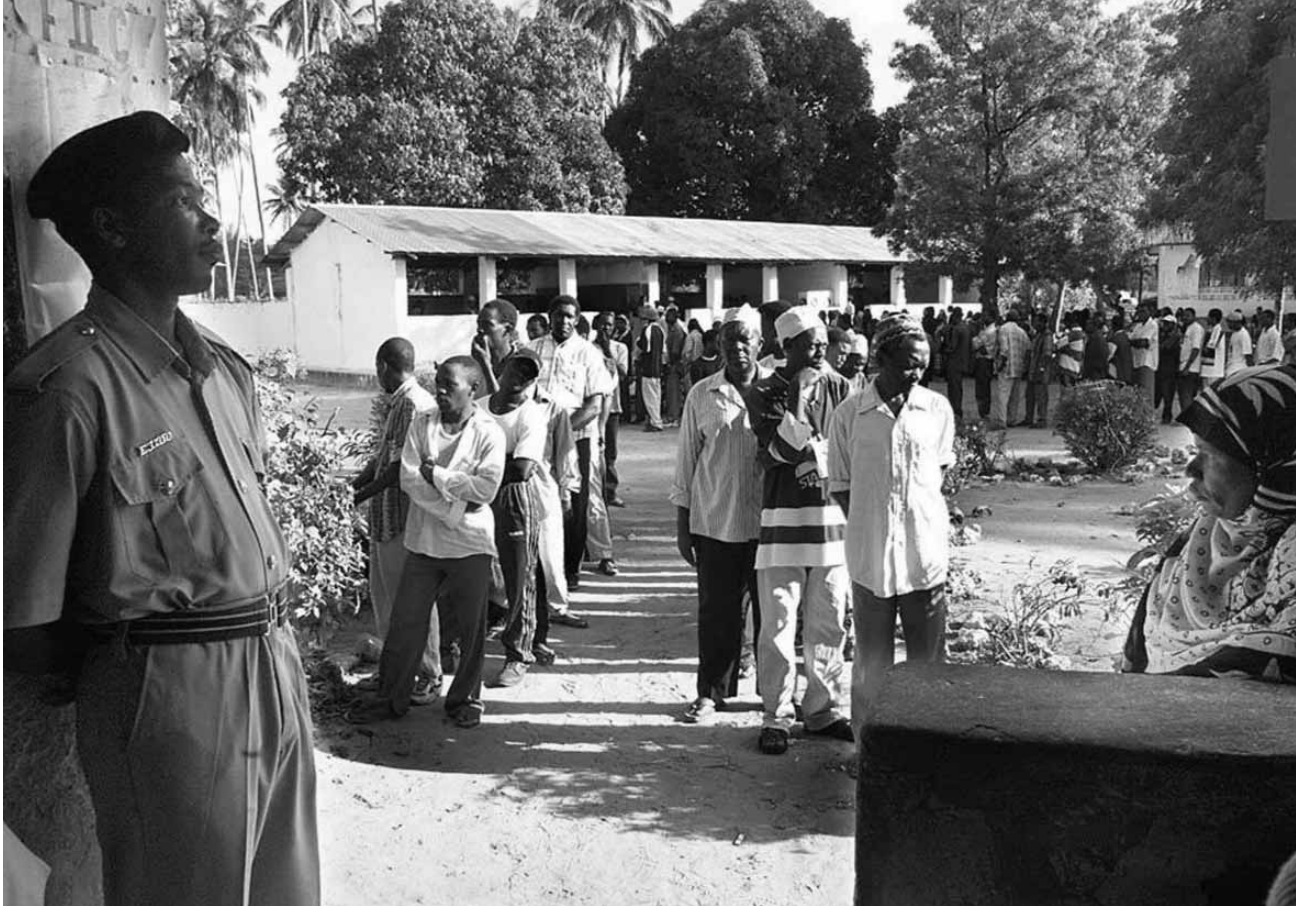
People queue in front of a polling-station in Zanzibar, in a partial re-run of elections held a week earlier, which were condemned for massive delays and irregularities

parliamentary seats. A total of 8.9 million voters registered for those elections. More than 10 million people registered to vote in the 2000 elections.

Mainstreaming gender is an important component of popular participation. Women constitute 51% of the country's population and their contribution to the country's economy is substantial. As a result, their participation in political decision-making has become important. Democracy requires the participation of men and women. Prior to the 1995 elections, constitutional provisions had been made for at least 15% of the members of parliament to be women. At least 25% of local government seats were reserved for women.

The 1995 elections saw 37 parliamentary seats go to women. The 15% representation was increased to 20% for the 2000 elections, which translated into an extra five seats.

To a large extent, Tanzania has tried to respect electoral principles, regulations and procedures during its general elections. These have included respecting the registration of voters, honouring deadlines for collecting and returning candidate forms, respecting the campaign and voting period, and following procedures for counting votes and announcing electoral results. As a result, Tanzania's first two multi-party elections were considered free and fair by both local and international observers.

While this was true for the mainland, the situation was a bit different in Zanzibar. Both its 1995 and 2000 elections were controversial. Their outcomes were not only contested by the major opposition party, but were also viewed with skepticism by some local and international observers. Consequently, it is obvious that Zanzibar's democratic transition and consolidation started on a shaky foundation.

THE FUTURE CHALLENGES

While Tanzania demonstrates a positive trend towards democratic consolidation, there is much room for improvement. The first step is to

strengthen all political institutions. In terms of strength, there is a disparity between the ruling party, the CCM and the opposition parties. Most of the opposition parties are new. As a result, they have had difficulty recruiting new members and popularising party policies.

Leadership problems have also plagued many of the new opposition parties. These parties are led by people who have either lost favour with the ruling party, or have little experience leading political parties. A lot of time and resources are wasted in dealing with administrative and leadership crises.

Opposition parties must address these weaknesses if they wish to contribute positively. Competitive politics requires strong and well organised political parties. Weak opposition undermines democratic consolidation in two ways. Firstly, it creates an environment in which the incumbent party continues ruling. Secondly, while the country may have adopted a multi-party system, the dominance of one party actually returns the country to a one-party political system.

The electoral process also needs to be strengthened. Weaknesses within the electoral commissions need to be addressed. These institutions should be manned by competent people, and must be independent. They also need to be provided with adequate resources – in terms of manpower and finance – in order for them to perform their duties efficiently.

Another challenge is to build internal democracy within the various political parties. Lack of internal democracy has been a major source of infighting within parties. This has led to leadership crises, and sometimes even physical violence. Consequently, lack of internal democracy obviously undermines democratic consolidation.

Popular participation in the democratic process must also be encouraged. This should occur at three distinct levels. At one level, the majority of the people must be involved in civic education. Public awareness campaigns must make people aware of what democracy is all about. Voter education, for example, is crucial to the electoral process.

Tanzania conducted voter education during the 1995 and 2000 elections. This was carried out by the Electoral Commissions and civil society organizations. The media also played a positive role. However, the scope of the civic education was limited. Firstly, it was confined to the election, instead of a wider democratic spectrum. Secondly, all the institutions involved were faced with limited resources. Consequently, they confined their activities to a few geographical areas, and were only able to use a few instruments, such as the radio and printed pamphlets.

At the second level, people must be encouraged to contest for various electoral posts. This consolidates democracy in two ways. Firstly, it creates a political culture of involvement. Without this culture, multi-party democracy would remain a competition between a few very experienced and clever politicians. Secondly, it allows many people to influence decisions that may affect their day-to-day lives.

In the 1995 and 2000 elections, only four of the 13 registered parties put candidates forward for the presidential race. While there is no law in Tanzania that forces a political party to participate in an election, one would have expected many parties to have run for the presidency – if not to win, then just for the experience.

A total of 1,338 candidates competed for 232 parliamentary in the 1995 elections. Only 701 candidates competed for the same number of seats in the 2000 elections. The decrease is obviously a sign of less participation.

At the third level, people must register and vote during elections. Voting is one of the cardinal pillars of the multi-party political system. It is the voting process that decides the winner, and the winner is based on the majority of votes. Consequently, each vote is vital.

Of an estimated 11 million voters in the 1995 elections, less then 10 million actually registered. While the number of registered voters increased to 10 million during the 2000 elections, only seven million voted. Although more than 70% of registered voters did vote, the 30% who did not represent a negative trend towards democratic consolidation.

In conclusion, Tanzania needs to bring socio-economic development to its people. The country's democratic process must ensure that the political leadership is viewed as legitimate. Within the political and economic processes, the socio-economic well-being of the majority must be a top priority. If this does not happen, democratic consolidation will be unattainable, and the democratic process as a whole will be meaningless. ◬

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A tall task for the African

Union Peace and Security Council

SECURITY

BY J. 'KAYODE FAYEMI

framework for cooperative security in a region in transition:

challenges & prospects

The concept of cooperative security is not a new one. Its origins date back to 1815, with the Concert of Europe. By the end of the Cold War, it had assumed wider popularity, and had been applied to many different insecurity and instability problems throughout the world. Yet cooperative security means different things to different people – from the traditional interpretation of collective security and defence, to the more recent definition of individual security (human security) and stability promotion within a new world order.

Since the end of the Cold War, the shift from a state and elite-focused view of security, to one that places individuals at the centre of the security equation, has gained increasing acceptance within Africa. While protecting the state and its citizens

from external aggression remains a consideration, the most serious threats facing African countries are from internal, transnational or collective causes. To many Africans, a safe and secure environment is a necessary condition for sustainable, poverty-reducing development.

This broader conception of security underscores the importance of cooperative security in Africa. However, despite the popularity of this trend in international security, cooperative security deserves a more nuanced analysis – one that would bring out regional dimensions and common characteristics in order to be relevant to the security concerns of the African continent.

This presentation will attempt to develop a framework for cooperative security within Africa. It will look at Africa's record during the post-Cold

Figure 1 - ECOWAS mechanism for conflict prevention, peacekeeping and security

Institutions
- Heads of State & Government
- Mediation & Security Council
- Defence & Security Comm.
- Council of Elders
- Executive Secretary

Chairman

consultation

verification

Executive Secretary

co-ordination

Missions

- Special Rep to Exec. Sec
- Force Commander

Other Instructions

- African Union
- United Nations
- European Union
- Ministers of Foreign Affairs
- Defence Ministers

Deputy Executive Secretary
Political Affairs, Defence and Security (PADS)

| Political Affairs | Humanitarian Affairs | Defence Security | Observation Monitoring Ctre |

Political-Military Validation & Analysis

PADS SITUATION CENTRE

Collection & Analysis

Military Planning

Early Indications & Warning

External Sources

Military Sources

War decade, the context of regional cooperation, and the challenges that face regional security cooperation. It will study cooperative security in West Africa, and will also offer some recommendations for cooperative security in Africa.

CONTEXT OF REGIONAL SECURITY COOPERATION IN THE LATE 1980S

While regionalism is not a new concept in Africa, a number of factors promoted its virtues during the late 1980s and early 1990s. The 1990s definitely redefined the nature of both politics and conflict.

- Shifts in global and geo-political power relations – particularly at the end of the Cold War – as well as the retraction of the imperial security umbrella, allowed former client regimes to be challenged in ways unimaginable in the past.
- The retreat of the superpowers placed greater prominence on the role of, and competition between, regional powers.
- Conflicting parties – including both governments and rebel groups – who were previously supported by superpowers, had to turn to new sources of funding. The exploitation of natural resources and criminal activity (for example, drugs), provided much needed funding, and also made these parties less amenable to external pressure.
- New forms of political consciousness and identity – often structured around religion and ethnicity – replaced the 'universalistic' debates between 'capitalism' and 'socialism' which had underpinned the Cold War. This reinforced the erosion of common citizenship, which had been fostered by state contraction. The result was popular disillusionment with politics.
- Erosion of the institutional capacity of the average African state – the most profound aspect of which was the decomposition of security apparatuses – has also seriously affected security.
- African states were subjected to multiple sources of pressure, which eroded their sovereignty. Those sources worth mentioning include the co-option of crucial areas of policy initiative by the IFIs and a variety of donor agencies, the activation of civil society; and the increasing power and resources controlled by the non-governmental sector.
- Loss of state centrality, due to the contracting of resources and essential services, also affected states' ability to act as the centre for social cohesion.

- There were many other sources of pressure, including an increased availability and privatisation of instruments of violence; massive retrenchment; and a growing surplus of military assets globally. Simultaneously, there was a breakdown in supply-and-demand controls on global arms markets. On the African continent, decommissioned weaponry started to be recycled as most of the wars of the 1980s wound down.
- Slowly, new forms of violent national and transnational crime started to emerge.

AN AFRICAN BALANCE SHEET FOR THE 1990S DECADE

- Democratic transition in Africa has produced a medley of results, ranging from consolidating democracies (South Africa, Botswana, Benin, Mauritius, Ghana, Senegal, Mali and Mozambique), to a variety of 'semi', 'liberal', 'virtual' and 'lapsing' democracies (Kenya, Nigeria, Niger, Zimbabwe and Malawi). The 1990s also produced authoritarian and/or militarised states (Cote d'Ivoire, Togo, Uganda and Sudan,) as well as conflicted societies (Liberia, Guinea, Guinea Bissau, Rwanda, Burundi and Sierra Leone).
- While the economic situation remains fragile, overall economic performance in Africa has marginally improved since the 1980s. Regionalism has become more entrenched - the launch of the African Union (AU), and the introduction of the New Partnership for Africa's Development (NEPAD) are evidence of this shift. Regional and sub-regional conflict management mechanisms have been put in place, as Africans strive to develop an autonomous capacity aimed at handling their own conflicts (West Africa is a pioneer in the field).
- In spite of some international assistance, Africans are increasingly at the centre of an emerging geo-political reality involving the African Crisis Response Initiative (ACRI), the Reinforcement of African Peacekeeping (RECAMP) and other supporting initiatives. The Accord on Non-Aggression and Defence (ANAD) merger with the Economic Community of West African States (ECOWAS) is an indication of the need to harmonise confusing and duplicating mechanisms.In addition, the sense of an Anglo-French rivalry in West Africa seems to be disappearing, as is the

perception of a Franco-Nigerian rivalry. There are still some governments and actors who are keen to promote these 'divisions', although evidence in trade and security suggests otherwise. However, the perception of regional hegemony does still persist, with Nigeria and South Africa often put in a 'hegemonic' box.

- There is now widespread acceptance of the need to re-conceptualise the idea of 'security'. We need to move away from the traditional emphasis on national/state security and focus on 'human security'. This new definition needs to include aspects such as access to a means of life; the provision of essential goods; the provision of a clean and sustainable environment; and a respect for human rights and democratic freedoms. A key aspect of this revised definition is the increasing link drawn between security and development – on the one hand, identifying insecurity within conditions of under-development; and on the other hand, recognising that security is an essential component of development.

CHALLENGES TO REGIONAL COOPERATIVE SECURITY IN AFRICA

- Legacy of Westphalian notions of state sovereignty;
- Regionalism without common values;
- Notions of hegemonic regionalism;
- Regionalism as *leaderism*, in which regional integration is only occurring at a leadership level, without permeating through to the consciousness of the people;
- Regionalism as *formalism*, in which a wide array of institutions have been created with little or no capacity to manage them;
- Regionalism as an externally driven (not a people driven) project.

INSTITUTIONALISING REGIONAL COOPERATIVE SECURITY: THE WEST AFRICAN EXAMPLE

It can be reasonably argued that in West Africa, ECOWAS represents the best example of an organisation involved in institutionalising cooperative security. Established in 1975, its aim has always been to promote cooperation and development in all

fields of economic activity. ECOWAS entered into cooperative security in 1990, when it went into Liberia to restore peace. Although a Mutual Assistance in Defence Protocol was signed in 1981, ECOWAS' first foray into the collective security arena was only in 1990. That first mission suffered from a lack of clarity over mandate, political acceptance, composition, military capability and accountability. All these factors affected what was otherwise a well-intentioned regional project, with little or no backing from the international community. Although the mission was put together rather capriciously, it did enable ECOWAS to pursue an institutional framework for cooperative security.

ECOWAS drew strong lessons from its experiences in Liberia and Sierra Leone, and it decided to institutionalise a conflict mechanism within the regional economic community. A raft of agreements – the ECOWAS Revised Treaty of 1993; the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of 1999; and the Supplementary Protocol on Democracy and Good Governance of 2002 – all demonstrate the fact that a great deal of local thinking is propelling the institutionalisation of a collective security architecture within West Africa.

In spite of the changes that have occurred, and the structures that have been put in place, the product is still a long way from being perfected. If ECOWAS' goals are achieved, it is possible for cooperative security to take a much firmer root in West Africa. In terms of institutions, ECOWAS established several organs and strategies, all with defined responsibilities aimed at addressing peace and security issues within the sub-region. The most critical institutions include:

- The Mediation and Security Council: this council operates at the level of heads of state and government, and ministers and ambassadors. It has been charged with the responsibility of making decisions that could have an impact on peace and security (including authorising the deployment of missions);
- The Defence and Security Commission: this commission is made up of defence chiefs and security officials who have been charged with dealing with the technicalities of military intervention;
- The Economic Community of West African States Monitoring Group (ECOMOG): this multi-purpose, stand-by force is ready for immediate deployment. ECOMOG is described as multi-purpose, in the sense that it can assume one of

several functions – observation, monitoring or peacekeeping. More significantly, it can be deployed for humanitarian intervention, or for the enforcement of sanctions. It can also undertake policing activities aimed at controlling fraud and/or organised crime.

- An early warning system – in the form of a regional observation network – has also been created. Established within the Secretariat (as well as four zones within the community), the system is charged with collecting economic, political, security and social data. The data is then analysed, in the hope that any potential conflicts are detected. If any conflicts are identified, region-wide conflict prevention strategies are then mobilised.
- A Council of Elders was also proposed in order to create a traditional conflict resolution mechanism. The council is made up of 32 eminent individuals drawn from both within and outside of the region, and it is convened whenever required by the Executive Secretariat.

As Figure 1 explains, the Executive Secretariat plays a central role in ensuring that the conflict mechanism functions adequately. As stated above, the Executive Secretariat is able to deploy the Council of Elders at any time. It also recently created the office of Political Affairs, Defence and Security (PADS), which is primarily charged with the implementation of the mechanism. It also supervises the early warning operations and zonal observation centres. In addition, it services the defence and security commissions, is involved in the implementation of all peacekeeping and humanitarian operations, and assists with policy formation.

The mechanism and its Supplementary Protocol on Democracy and Good Governance also take a broader view of security, stressing the importance of human security and democratic governance within the security sector. The protocol also covers institutional capacity-building within the community, in order to provide humanitarian assistance to conflict or disaster areas. In addition, it provides a framework for action by the community in the critical area of peace-building.

While ECOWAS provides a good cooperative security mechanism, it remains a work in progress. Indeed, the community demonstrates commitment to revising and improving the document based on new information. For example, it is now considering involving the ECOWAS parliament in the implementation of the mechanism and its Supplementary Protocol on Good Governance and Democracy. As it stands now, the system clearly suffers from a 'huge dose of democratic deficit', since parliamentarians are the only direct representatives of the citizens within the community. However, history shows us that the powers of transnational parliaments evolve gradually (both in scope and power), from being largely consultative assemblies to genuine decision-making legislatures. Circumstances dictate these inevitable transitions. To date, the performance of the parliament gives the impression that its powers will certainly grow in consonance with the quality of representation within parliament.

However, there are problems of hegemonic regionalism, *leaderism, formalism* and donor-driven institutionalisation. Many of the institutions created by the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, owe their survival not only to the financial commitment of member states, but also to the generosity of external parties, such as the European Union (EU), the United States and a number of Nordic countries. This obviously raises the fundamental question of accountability and strategic interest, particularly when those interests conflict. However, various attempts are being made to address this problem. Sadly, none to date have proved to be successful in getting states to meet their assessed contributions and obligations to the community. This worsens the prospects for hegemonic regionalism, as Nigeria continues to underwrite the organisation's expenses.

A more critical problem with the ECOWAS framework is the lack of agreement on a common understanding of security and stability. Although the protocols referred to above were signed with fanfare by most heads of government, nation-building peculiarities make it difficult for member states to exhibit a shared understanding of a common future. Since regional collective security refers to values, interests and norms that transcend the military element of security, the challenge is how to frame protocols and principles aimed at emphasising the preventive element of conflict management, rather than emphasising conflict management and resolution. ECOWAS is doing this at the Secretariat level. However, political will still seems to be lacking on the part of member states.

Despite the progress described above, a sense of disillusionment still exists throughout West Africa. Indeed, unfortunate recent events in Cote d'Ivoire seem to be promoting the view that despotic peace may be better than unruly

democratic freedom. Indeed, some see international politics in the aftermath of September 11th, as aiding this view. Consequently, it is important for the US and other international actors to be clear about the message that is being promoted. It would be sad if there was widespread acceptance of the view that despotic peace is better than problematic democratic freedom. The fact that ECOWAS has not been quick off the mark in responding to the Ivorien crisis, underscores the need for a framework that goes beyond the creation of institutions and structures - it must possess the capacity and credibility required in order to provide humanitarian intervention and the restoration of order.

TOWARDS A FRAMEWORK FOR REGIONAL SECURITY COOPERATION: RECOMMENDATIONS

Although West Africa's experience demonstrates that cooperative security is possible, the future success of cooperative security depends on the promotion of human security. It also depends on developmental regionalism - the closer the ties between states within the socio-economic spheres, the more they will find ways to further their security cooperatively.

Consequently, given the context of regionalism as described above, as well as the challenges that face cooperative security in Africa, a number of factors are central to the success of cooperative security. They include, but are not necessarily limited to the following key elements:

- Understanding the nature of the post-colonial state, as well as nation-building prospects in Africa;
- Subscription to and institutionalisation of core regional values and norms;
- Focusing on open government, the deepening of democratic institutions, and the prevention of violent conflicts through political processes;
- Promoting long-term conditions for security and development by using human security as a bedrock for peace;
- Developing an integrated peace-building approach to human security. This can be achieved by promoting governmental and non-governmental approaches, and by treating peacekeeping, peacemaking and post-conflict transformation along a continuum;

PHILIPPE DESMAZES/AFP

- Entrenching democratic governance by establishing a clear role definition for security services, whilst at the same time, enhancing the professionalism of this sector;
- Building the capacity of African institutions for early warning, and enhancing their capacity to prevent, manage and resolve conflicts;
- Strengthening developmental regionalism as a means of addressing the negative aspects of globalisation;
- Establishing the parameters of genuine continental and global partnership – this would include role clarification between sub-regional bodies, the African Union and the United Nations.

Whilst it is difficult to be prescriptive about the framework for security cooperation, it is gratifying to note that most of what has been stated here has been fully reflected as key responsibilities of the new African Union Peace and Security Council, which was approved at the African Union Summit in Durban.

The challenge is to achieve and promote the values of ownership, participation, open and transparency accountability, fundamental freedoms and the rule of law. The overriding importance of responsible politics and responsive leadership is evident from the above. Until we get both, the best that can be hoped for remains hegemonic regionalism, which may keep the peace, but hardly promotes underlying values of security.

A little Guinean girl and her mother in a lorry in Seguela, wait to leave the Ivory Coast to return to Guinea. Despite ongoing negociations between the government and the rebels, more and more foreign workers are returning to their countries to avoid the conflict

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TRENDS
in peacekeeping

The United Nations Mission to the Democratic Republic of Congo: Consolidating the Era of Partnership

It is but a memory that a stately Nelson Mandela and his then deputy, Thabo Mbeki, descended on Kinshasa to attempt the impossible – facilitating talks between President Mobutu and Laurent Kabila of the Alliance Forces for the Liberation of Congo-Zaire (ADFL) on the future of the DRC. As it would happen, the meeting never materialised, and soon afterwards Kinshasa saw a long awaited change in leadership, and the departure of President Mobutu.

In the period from that time up until eighteen months ago, many efforts were made at facilitating dialogue between the various parties and their backers to wrestle with the political challenges of stabilizing that country. A record number of bilateral and multi-lateral approaches were employed to assist parties to conclude agreements for a peaceful DRC.

Subsequent to the Lusaka accord, the United Nations then deployed a military observer mission in the country to assist parties in the implementation of the agreements. The UN mission has thus far been successful in maintaining the cardinal principles of neutrality and impartiality, against a volatile backdrop. It is appropriate to highlight that at inception, expectations for the mission were very low, considering the challenges posed by major political issues well outside the scope of the mandate.

Due to the demands placed on the UN by the Lusaka agreement, it was difficult to imagine any measure of speedy progress in the peace process. Amongst these were the near-impossible identification and repatriation of so-called negative forces from the country. The parties to the conflict have mostly shared the burden of responsibility for implementing both the Lusaka agreement and other agreements they have entered into.

These victories could not have been recorded without the support of partnerships between the international community and sub-regional role players. From the partial agreement of the Inter-Congolese Dialogue, to the varied political agreements in various capitals of the sub-region, the UN has been well supported in its response to the political and humanitarian issues in the country.

As the DRC has not yet arrived at its desired destination, much study is required of lessons learned from the standing and ad-hoc mechanisms that, as part of this peace process, have informed progress – such as the Joint Military Commission, the Political Commission and others. Key has been the decision of the Pretoria Agreement to form a verification body to assist parties to keep their promises. The chair country of the African Union, South Africa, and the United Nations have thus formed the Third Party Verification Mechanism (TPVM) that has liaised with the parties on issues driving the agreement.

In the face of mustering a complex response to the political challenges in the country, the UN has had to increase its humanitarian response. The UN has served as a rallying point of the international community in responding to food shortages, displaced people and refugees, and the plight of children affected by the conflict.

The challenge, indeed responsibility, is to institutionalise these progressive responses. The experiences of the major intervening players in the DRC could be considered as having the possibility to shape the response to conflicts everywhere. It would appear that the belief and pursuit of African solutions to African challenges is finally gaining a foothold as African states begin to work towards constructive ways of ending their conflicts. △

The Ivory Coast casts a shadow

on the African century?

The attempted military coup in the Ivory Coast could not have come at a worse time. It came at a moment in Africa's history when the political leadership was committed to transforming the continent's negative image. The attempted coup was totally unexpected. Or was it?

The underlying problems that caused the attempted coup in December 1999, were never addressed properly. This does not imply that the rebels had legitimate reasons for resorting to arms; yet, it is useful to remind ourselves that the period from 1999 to the time that the coup occurred was not a stable one. The Ivorians went to the polls on 22 October 2000. General Guei (who was killed immediately after the coup was announced) and Laurent Gbagbo (who is the current president) were the leading contenders. The 2000 poll was marred by confusion, which only added to political tensions. Early poll results, which were announced by the Electoral Commission, showed Gbagbo was in the lead. However, just a few days after the poll, the head of the Electoral Commission was held hostage by an armed group. Soon thereafter, General Guei announced to the nation that he was the new president. In response, Gbagbo galvanised his supporters in order to oppose the move. Clashes occurred between the army and civilians, and General Guei decided to leave Abidjan. Soon thereafter, Gbagbo declared himself president.

In October 2001 – almost a year after the polls – a National Reconciliation Forum was held in Abidjan to find ways of easing the country's political tensions. The forum produced 14 solid recommendations on how the country could move forward. It was followed up with a meeting between the country's four main political players: President Gbagbo, Alassane Outtara (who was denied an opportunity to stand for elections because of his alleged Burkinabe citizenship), Henri Konan Bedie and Robert Guei. The meeting sought to build bridges between these leaders, and was also aimed at taking the forum's resolutions a step further. The meeting was a dismal failure. Since then, any attempt to restore relations between these leading figures has been to no avail.

Perhaps, a question we should ask is what are the roles and responsibilities of political leaders during a crisis situation? In the case of the Ivory Coast, could an escalation of tensions have been avoided if the leadership had behaved in an acceptable manner? What would have been the responsible political action, on the part of the various politicians, during and immediately after the elections? An honest appraisal would tell us that, at a very crucial point in the country's history, the political leadership failed to act responsibly.

However, every dark cloud has a silver lining. In this case, the good news is the professional manner in which the Economic Community of West African States (ECOWAS) responded to the conflict. ECOWAS negotiators were on the scene within days, and they immediately shifted the focus away from armed confrontation. At the time of going to press, a comprehensive agreement had not yet been reached between the government and rebels. One can only hope that this time all politicians will be able to face up to the situation and lay the foundation for a sustainable peace. ◬

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Adekeye Adebajo and Chandra Lekha Sriram (eds.)
Managing Armed Conflicts in the Twenty-First Century.

Frank Cass Publishers. London. 2001. ISBN 0714650943

The scourge of armed conflicts has been the bane of humanity from time immemorial. In recent years, however, the intensity and scope of these conflicts have increased exponentially. Part of the reason for this lies in the ending of the Cold War – freed from the confines of global bipolarity, armed conflicts have moved beyond the ideological realm. They now include the spheres of ethnocentric nationalism, religious fundamentalism, border wars and narco-trafficking. This has made it harder for academics to analyse conflicts, and more difficult for policy-makers to resolve them. Other reasons for the preponderance of armed conflict include the availability of sophisticated arms and the fragility of state structures.

Consequently, this is a timely book which examines crucial issues related to the management of conflicts within various regions throughout the world. Through examining lessons learned by means of the comparative method, we could arrive at some generic 'best practices'. This is something the book succeeds admirably in doing. Another positive feature of the book is the number of young authors who have been gathered by the authors. Together, they contribute a number of novel approaches to the field of conflict management. One approach casts doubt on the traditional distinction between 'war' and 'peace'. In this regard, David Keen's contribution is quite useful. He argues that the emergence of peace can be a violent process. In turn, this violence, which is embodied in peace, may help to account for mass violence or civil war. Within the African context, this is a particularly poignant reason why Africa has suffered so much from the phenomenon of 'return conflicts'. For practitioners, the lesson is clear: a peace agreement does not guarantee one peace. For this reason, the international community should remain engaged in post-conflict reconstruction long after the signing of any peace agreement.

The various chapters on the changing role of UN peacekeeping also emphasise that there has been a radical shift in the UN's position regarding the use of force. Various contributors point to intrusive military enforcement actions, as well as the use of preventive deployment of peacekeepers. Macedonia is a good example of the aforementioned shift. This, in turn, raises questions over the sovereignty and non-interference in the affairs of member states – a point often reinforced by Africa's leadership. This is something which both the African Union (AU) and various sub-regional organisations may need to discuss further.

In their contribution to this volume, Aliodun Alao and Funmi Olonisakin argue that the relationship between natural resources and conflict is not simply one-dimensional. Rather, they maintain that war economies occur within the context of state collapse. Once again, this approach casts doubt on whether or not embargoes on blood diamonds - or 'naming and shaming' - actually do work, since they deal largely with the symptoms of a deeper problem. Consequently, rebuilding states and their authority – as opposed to their power – is central in order to come to terms with this vexing problem.

Other chapters in this book cover issues such as truth commissions and the quest for justice; civil-military relations and the protection of civilians; the role and utility of private security companies in conflict management; the rise and fall of UN peacekeeping in Africa; the need for greater burden-sharing within the NATO alliance; and the travails of keeping peace in nuclear South Asia.

This book is a must-read for scholar and practitioner, and combines penetrating analysis with a lucid writing style.