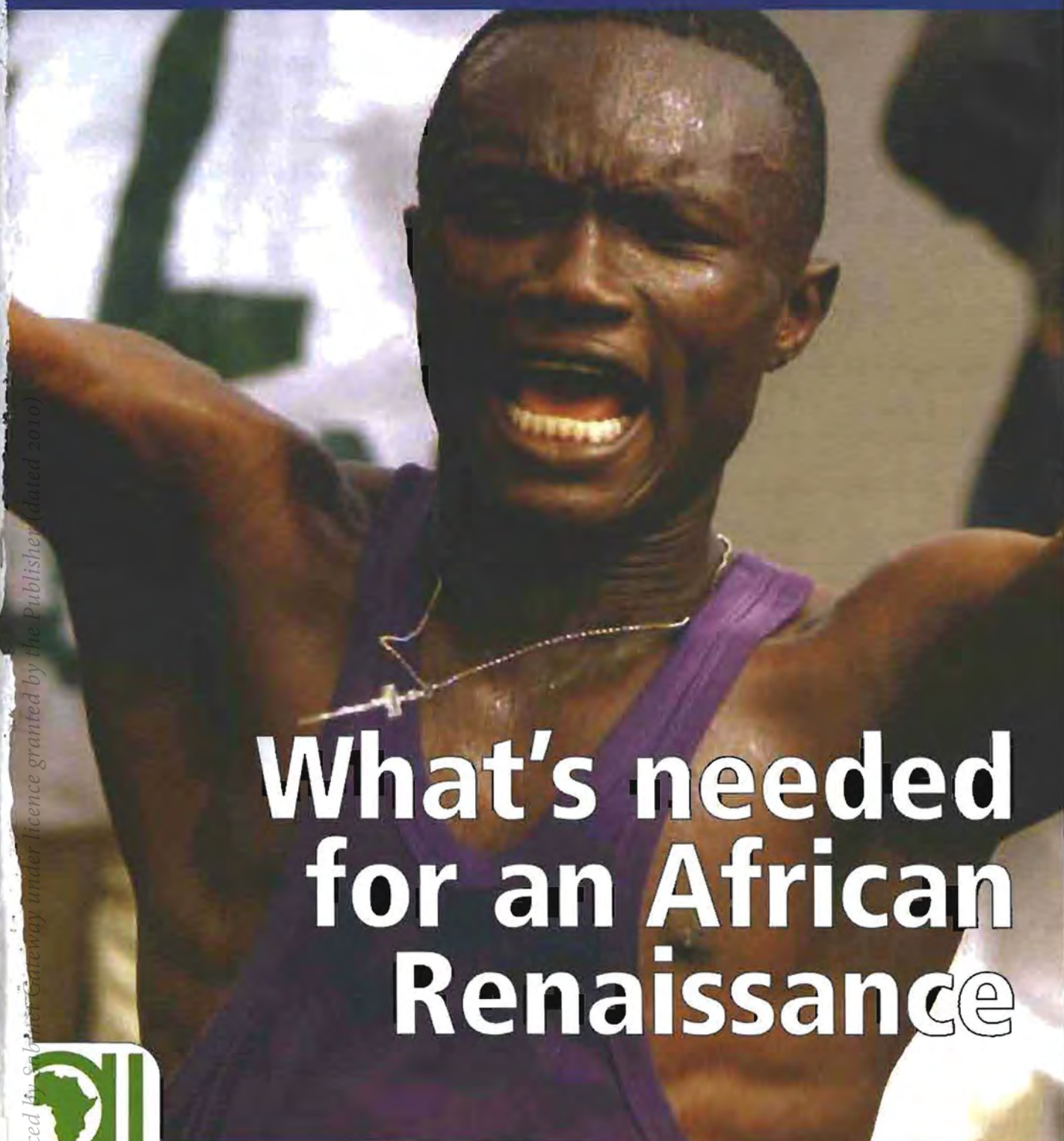# THE CHALLENGES OF STATE COLLAPSE IN AFRICA

Africa Insight

GIVING INSIGHT INTO CHANGE IN AFRICA

SEPT 2001

What's needed for an African Renaissance

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What's needed for an African Renaissance

BY ELIZABETH LE ROUX

It is now a truism to say that Africa requires a renaissance to move forward in the 21st century. The past few months have seen some significant pointers as to what direction Africa's future revival might take. To begin with, the Organisation of African Unity (OAU) held a historic summit in Lusaka, marking the end of the OAU and the transition to an African Union. Some of the achievements of this Summit include the endorsement of the New African Initiative (the merged Millennium Africa Recovery Plan and the Omega Plan) and the appointment of a new Secretary-General (Amara Essy of Cote d'Ivoire), who will play a central role in overseeing the transition from OAU to AU.

The 37th Summit also reiterated several concerns over the potential obstacles to an African Union. These include the ongoing problems of instability and conflict, economic underdevelopment, marginalisation of the continent's rural masses, and (often unpunished) violations of human rights.

Closing the Summit, Zambia's President Frederick Chiluba noted that, "Africa must make a choice, choice towards peace, stability, unity, tolerance and reconciliation or face relegation into unending conditions of insecurity, hate, discord and total oblivion".

One of the most insidious, perhaps because they are often largely invisible, challenges and difficulties are the issues of racism and xenophobia.

The United Nations World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance (WCAR), held in Durban in early September 2001, was an attempt to address a problem which reaches into almost all aspects of Africans' lives, from the after-effects of the slave trade, to xenophobia against immigrants from other parts of the continent.

It has been hoped that support can be drummed up at the conference for the implementation of the African Union

– a "Marshall Plan" for Africa, as Senegal's President Abdoulaye Wade has called it – possibly as a form of 'reparations' for slavery.

Unfortunately, the WCAR can hardly be said to have been a success, due to factors such as the dominating – perhaps even hijacking – of the conference by various, very vocal interest groups, and the pull-out of the US and Israeli delegations. Many feel that an important opportunity to address pressing concerns relating to discrimination has now been lost, with semantics – the wording of the final declaration – taking precedence over a real commitment to changing attitudes.

This commitment to change is highly significant if the African renaissance is to become a reality. The continent's leadership is not known for its political will to transform society, or indeed to make a full transition to democracy (see our article on Nigeria's many transitions for some insight into this phenomenon).

In some cases, one could even speak of state collapse. But there is a new and powerful breed of African leader in Africa, democrats such as Mbeki, Wade and Obasanjo, who are determined to end conflict and poverty, and who also have a shrewd grasp of economics.

At the same time, Africa's regional and continental groupings are working resolutely towards socio-economic progress. What we need to do is to demonstrate that the continent can rejuvenate itself politically, socially and economically. In this issue of Africa Insight, a particular focus is placed on efforts towards this end.

UN Secretary-General Kofi Annan has argued that, "This historic effort [the implementation of the African Union] will require leadership, courage and willingness to depart from the ways of the past, if it is to do for Africa what the European Union has done for Europe." This is the true challenge of the African century ○

Abubakar Tafawa Balewa
1960-1963

Nnamdi Azikiwe
1963-1966

Johnson Aguiyi-Ironsi
Jan 1966 - Jul 1966

Yakubu Gowon
1966-1975

Murtala Muhammed
1975-1976

Olusegun Obasanjo
1976-1979

Sheho Shagari
1979-1983

Muhammadu Buhari
1983-1985

Ibrahim Babangida
1985-1993

Ernest Shonekan
Aug 1993-Sep 1993

no photo available

Sani Abacha
1993-1998

Abdulsalam Abubakar
1998-1999

Nigeria's transition to democracy

Prospects for consolidation

BY SOLOMON O AKINBOYE

Olusegun Obasanjo
1999-present

n May 1999, Nigeria peacefully transformed from a military (authoritarian) regime to a civilian (democratic) rule.[1] The concern now is not whether democratic governance will be achieved but how to sustain the new democratic experiment in the country. Until 1999, pessimistic forecasts were made regarding the country's path to democracy, based on uncertainty surrounding the intention of the military to democratise. Military governments in Nigeria have routinely declared their intention to enthrone popular democracy. Unfortunately, various undemocratic measures have consistently been adopted to scuttle the plans.

However, the fortunes of the nation changed dramatically for the better when, on 29 May 1999, democracy was reinstated as the military handed over power to a democratically elected government; and Nigerians began to consider the future development of democracy and democratic rule in the country.

Civilian Regimes and Democratic Failure

The root of democratic failure under the civilian dispensations in Nigeria can be traced to the decade before the country's first Republic, when tribal politics dominated the political scene. There was conflict, for instance, between two of the main political parties of the time, the Action Group and the Nigerian Peoples' Congress, over the date of independence. This led to rioting in the regions. The secretary of state for the colonies was quick to conclude that "it is not possible for the Regions to work effectively in a federation so closely knit as that provided by the present constitution".[2] He was of the opinion that it was necessary to redraw the nation's constitution to ensure greater autonomy. Moreover, "the ethnic bases of the political parties worsened the relationship between the major ethnic groups in the country".[3] The leaders of the major political parties were at the same time leaders of their respective regions. Politicians in the regions were identified as sectional rather than national leaders, while the regions appeared to be much stronger

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than the centre.[4] This pervaded the entire period of representative government, and climaxed in 1964 when a general election was conducted in the country.

Prior to the general election, a series of electoral malpractices took place. Political opponents were harassed, assaulted and intimidated. As tension became rife, President Nnamdi Azikiwe invited all party leaders for talks in Lagos in October 1964. Following extensive deliberations, a peace treaty was agreed upon and signed by participants. The treaty provided that:

- All political parties should be given an equal opportunity to campaign anywhere in the country, and freedom of movement should be guaranteed;
- There should be no discrimination in the granting of permits for public meetings;
- Hooliganism and thuggery should be stamped out.[5]

However, breaches of the agreement abounded. The electoral process was not duly followed, resulting in flagrant manipulation of electoral figures in favour of the ruling party. This was most glaring in the Western Region, where the elections were rigged by the ruling party, leading to arson, killings and a general breakdown of law and order. In wielding power, politicians and their supporters were unwilling to compromise or exercise restraint in either their behaviour or utterances, with little or no consideration for the conventional requirements of the democratic process: "Nigerian political parties failed to build bridges across ethnic and linguistic lines and instead reinforced existing societal cleavages".[6]

The political parties were tribally oriented and hence failed to perform the integrative functions expected of them. The entire period was characterised by ethnic politics, intolerance and the quest to acquire power and dominate opponents at all costs, bribery and corruption, misuse of power, electoral malpractices and violence which all combined to destroy democracy and subsequently led to the collapse of the First Republic.

The military responded spontaneously, seizing power on 15 January 1966. They remained in office until October 1979, when they handed over power to the democratic government

of President Sheho Shagari, following a successful political transition that ushered in the Second Republic.

There were no significant changes in the politics of the Second Republic. The period was characterised by the politics of ethnicity, intolerance, misuse of power, corruption and electoral fraud. The regime became so corrupt that the nation's treasury was virtually emptied. In a desperate attempt to cling to power after its first term, the ruling party tried to rig the 1983 presidential elections. The electoral body, FEDECO, was, for instance, alleged to have connived with the party to change the order of the elections. The police were also accused of partisanship. The general public expressed dismay over the blatant rigging of the election:

> When the present historical epoch of Nigeria is documented, the year 1983 will stand out as the culmination of the most consistent and well organised political and economic betrayal of the honest yearning of our people. And the so-called presidential election as well as the gubernatorial elections concluded will remain at the nadir of an era dominated by traitorous and dastardly actions of a ruling class which knows nothing but looting the nation's treasury and lacerating the political sentiments of our people for democracy.[7]

The political crisis generated by the election results and the flagrant disrespect for democratic norms and values provided an avenue for the re-emergence of the military, as the Shagari regime was toppled at the dawn of 1983 by General Muhammadu Buhari. The military then remained in power for over 15 years and only handed over to civilians again on 29 May 1999, following a successful political transition programme from General Abdulsalami Abubakar.

Military Authoritarianism and Democratic Failure

Several attempts have been made in the past by the Nigerian military to truncate democracy and democratic governance in the country. For instance, on assumption of office in July 1966, Yakubu Gowon promised to hand over power to civilians within six

Map Filipe van ASA/SA

months. However, he failed to fulfil this promise and continued to hang on to power under the pretext that "the Nigerian Armed Forces would not hand over power in chaos". A year later, civil war broke out. Following the end of the civil war in 1970, Gowon embarked on a multi-pronged programme of reconciliation, rehabilitation and reconstruction, proposing a nine-point political transition programme and return of the country to civil rule in 1976. Gowon's hidden political agenda, however, soon became evident as he attempted to derail the transition process and thus keep himself in power. According to Billy Dudley, "By late 1971 . . . the handing over of power to elected civil authorities had been ruled out and the idea of a one-party state was being seriously considered".[8]

A clearer indication of Gowon's real intention became known when he proclaimed that the 1976 hand-over date was "no longer realistic", because

> It would indeed amount to a betrayal of trust to adhere rigidly to the date. It was clear that those to lead the nation in the return to civil rule have not learned any lesson from past experiences. Consequently, it would be utterly irresponsible to leave the nation in the lurch by a precipitate withdrawal, which would certainly throw the nation back into confusion.[9]

The pronouncement became his greatest undoing, and led to the overthrow of his government on 29 July 1975 in a bloodless coup d'état staged by General Murtala Mohammed. Mohammed's regime was short-lived, however, being overthrown by General Olusegun Obasanjo, who later handed over power to Shagari.

In contrast to Gowon, General Ibrahim Babangida's transition to civil rule started on a credible note when shortly after assuming power in 1985, he initiated what has been described as one of the most ambitious, imaginative, complex, and expensive transitions that has ever been attempted anywhere.[10] It has been acknowledged, for instance, that Babangida expended over N40 billion in executing his failed political transition programme, and that the windfall from oil necessitated by the gulf crisis of 1990/91 constituted the bulk of this amount. While introducing far-reaching measures aimed at establishing a new political and constitutional order, the main thrust of Babangida's rule was to increase instead of diminish political authoritarianism. Essentially, this was due to the anti-democratic nature of the military, the inherent contradictory forces that resulted from imposition of a Structural Adjustment Programme (SAP), and his leadership style and tactics which resulted in centralisation and enhancement of the intelligence and

security apparatus under the presidency.[11] While the SAP was conceived as an essential pre-requisite to the accomplishment of the political transition process, the programme soon became increasingly contradictory as "political liberalisation coincided with the implementation of harsh economic measures in the absence of favourable economic performance and/or successful efforts to create a new political coalition . . . [Hence] the rise and fall of Babangida's economic adjustment programme generally paralleled the changing fortunes of the political transition".[12]

Babangida's self-succession bid did not manifest immediately, as populist ideas for democratising the country were aired. The most prominent of these was a Political Bureau to organise debate and collate ideas on the country's future political order. He also pledged that his "administration will not stay a day longer than is absolutely necessary".[13] Babangida reiterated that "1992 will be the final year of disengagement, all things being equal".[14] He vowed not to perpetuate himself in power.

> I want to stress that this administration wants to be remembered as one which had the rarest opportunity to serve our country and handed over the reins of government to an elected visionary leader. We will defend with the last drop of our blood the integrity of the transition programme.[15]

> We do not as an administration intend to succeed ourselves; so far, our actions have justified our determination as planned to hand over to an elected government.[16]

In spite of this rhetoric, Babangida showed little commitment towards the success of the transition. Several attempts were made to scuttle the planned transfer of power to the political class, including the postponement on three occasions of the final date of handing over power to a democratically elected government,[17] the formation of government-sponsored political parties following the denial of registration to prospective independent political parties, appointment of civilians as

Deputy Governors, leaving the National Assembly hamstrung, banning and unbanning certain political aspirants from participating in politics, and the formation of a transitional government headed by an appointed surrogate, with Babangida as military president.

Amidst the confusing signals of interruption and revision of the political programme, Babangida's government organised a presidential election in June 1993 reputed to be the freest and fairest in Nigerian political history.

The subsequent annulment of that election – allegedly won by Moshood Abiola – led to resistance and civil disobedience by pro-democracy groups. Babangida hurriedly set up an Interim National Government, led by his appointed surrogate, Chief Ernest Shonekan, paving the way for his forced exit in August. Justifying the need for the Interim National Government, Babangida said:

> The interim government is a consensus arrangement to fill the vacuum of the executive branch of government which was created as a result of the annulment of the June 12 election. Perhaps, because of the impossibility of holding fresh elections now, but more because of the imperative of meeting the deadline of military withdrawal from the political arena, government has accepted to institute the Interim National Government.[18]

For his part, Shonekan spiritedly defended the formation of the ING, arguing that it was a

> pragmatic non-violent way by which we put an end to military leadership of our nation, given the firm determination of the military to annul the presidential election and the obvious lack of consensus among the (civilian) political class in their responses.[19]

However, Shonekan as head of the ING failed to weather the storm of political vicissitudes of the period. He could not consolidate his power, particularly in view of the fact that the ING lacked legitimacy and was therefore not given sufficient support.

The ING also lacked the political will to handle the affairs of the nation and the lingering political crisis effectively. Abiola bluntly submitted:

> ...the idea of an Interim Government rests essentially on the pretence that the election of 12 June did not take place, or that if it did, no winner emerged from it. Neither assumption is tenable. An Interim Government is a scheme designed to replace the sovereign will of the electorate as clearly expressed on 12 June with the self-serving will of some powerful individuals.[20]

Hence, the unpopular and illegitimate government was soon swept under the carpet as the military under General Sani Abacha took over the reins of power on 17 November 1993. Abacha's lust for power had already been predicted well before the coup. Thus, on assumption of office, he made no pretenses: he was going to rule with maximum power.

Rather than approving the annulled June 1993 presidential election, he endorsed the annulment and consolidated his stay in office as Head of State and Commander-in-chief of the Armed Forces. He initiated a form of absolute military rule in which power was concentrated in his hands. The Abacha regime was filled with political and economic crises, which have been attributed to a combination of increasing internal pressure for political and economic restructuring and Abacha's resolve to hold on to power at all costs.

Increasing activity by civil society in opposition to Abacha's rule prompted him to unleash an unprecedented wave of terrorism. He and his agents resorted to blackmail, intimidation, unbridled repression and elimination of all internal opposition to his self-succession plan.

The coercive measures employed included flagrant arrest and incarceration of human rights and pro-democracy activists, enactment of draconian decrees in which the courts had no jurisdiction, closure of media houses construed to be hostile, assassination of opposition leaders, as well as the arrest, trial and conviction of forty eminent Nigerians (including Olusegun

Obasanjo) on charges of complicity in an alleged coup.[21]

His oppressive and repressive regime reached its climax in November 1995 when a prominent literary figure and environmentalist, Ken Saro Wiwa, and eight of his Ogoni kinsmen were convicted and later hanged on trumped-up charges. The incident led to the summary suspension of Nigeria from the Commonwealth.

Apart from ruthlessly and violently suppressing all perceived and real opposition to the realisation of his presidential ambitions, Abacha's tightly controlled political transition programme was characterised by scepticism and suspicion arising from frequent government interference. In trying to democratise, Abacha was covertly nursing an ambition to transmute into a civilian President in spite of an assurance that:

> We in the present government in Nigeria are committed to ensuring that there is a speedy and uninterrupted transition to a civil democratic rule in which we shall not be participants.[22]

However, by 1997, a clearer picture of his self-succession ambitions had emerged with the official manipulations of the transition programme. In response to a question on whether he would contest the presidential election, Abacha said "the decision is my own constituency's. It is not new in Africa, neither is it new in the [West African] sub-region, where military people have stepped into politics".[23]

Bastardisation of the Nigerian polity during Abacha's transition programme was further demonstrated when he started using individuals and social organisations to canvass support for his presidential plan. Prominent in this regard is Daniel Kanu's Youth Earnestly Ask for Abacha (YEAA).

The entire transition programme was tailored to ensure his conversion into a civilian President. The five registered political parties were covertly supported by government, and none had significant grassroots support. They all

> ## Opposition to Abacha's rule prompted him to unleash an unprecedented wave of terrorism

became instruments of manipulation by Abacha, as none had the slightest means of exercising autonomy.

Thus they all, in a clandestine, non-democratic manner, adopted Abacha as the Presidential Candidate for the elections to be held in August 1998. But for his death on 8 June 1998, Abacha would have become a Civilian President, and the nation would have been engulfed in another endless political crisis, given that the election would not have changed the authoritarian and fascist character of the polity.

Civil Society and the Struggle against Authoritarianism

Civil society constitutes a formidable actor in the struggle against military authoritarianism in Nigeria. Due to the tactics of military dictatorship as ruthlessly exemplified by the Buhari, Babangida and Abacha regimes in particular, civil associations such as human rights organisations, professional associations, and trade unions as well as the intelligentsia, frontline activists and social critics became the standard bearers of the society. Although most of these associations were in existence before the emergence of the military regimes, they have hardly been so politically active as they became after the Buhari administration.

On assuming power in 1983, the Buhari military junta promulgated repressive decrees that attracted the criticism of the civil populace. The most prominent was Decree No 1 which suspended the constitutional provision pertaining to the right to personal liberty; Decree No 2 made provision for the detention of people considered by the state to constitute a security risk for a renewable period of three months; and the notorious Decree No 4 was designed to drastically reduce the freedom of the press.[24]

These decrees became instruments of oppression against civil society. The regime thus earned the image of a gross violator of human rights. Indeed, human rights violation and insensitivity to the opinions of others were the fundamental reasons used by Babangida to justify his coup d'état in 1985. As Babangida later promised, a new and viable political order would be initiated which would be "strong enough to withstand the shock of political crisis while being flexible enough to adapt to desirable changes".[25]

Thus, Babangida started on a populist slate as he repealed some of the repressive decrees promulgated by the Buhari administration. The new administration also pledged its support for human rights and the rule of law. Babangida, however, soon reneged on this promise as his administration became increasingly contemptuous of human rights and the fundamental rule of law, embracing the authoritarianism of its predecessors.[26]

It was clear that the Babangida regime was not as responsive and open as it claimed to be. Hence, civil associations embarked on a campaign to discredit the authoritarian regime, compel it to respect the rule of law and enforce decorum, probity and accountability in the political system.[27] Babangida's annulment of the June 1993 presidential election provoked a wave of domestic and international reaction as well as virulent popular resistance from civil society.

The intelligentsia, too, represented by the Academic Staff Union of Universities (ASUU), Nigerian Union of Journalists (NUJ) and National Association of Nigerian Students (NANS), carried out sustained struggles not only against the government's oppressive policies in the education sector but also the persistent repression unleashed on civil society in its struggle against authoritarianism. They made strenuous efforts to resist the militarisation of university campuses and ensure that armed policemen were prevented from entering campuses during student protests.

ASUU in particular became an antagonistic force resisting government's harassment and intimidation. The Union embarked on an indefinite general strike in 1988, leading to its proscription by the Babangida administration. The NUJ waged a struggle against the negative consequences of the SAP on the newspaper industry; while the NANS carried out sustained struggles against the government's oppressive policies in the educational sector.

Following mounting pressure from civil society and his military constituency, Babangida tactically relinquished power in 1993. But the Interim National Government collapsed in less than three months following the forced resignation of its head, Ernest Shonekan, and the overthrow of the

government by another military tyrant, Sani Abacha.

General Abacha is reputed to have launched the greatest wave of political repression in the country's history. Upon assuming power in 1993, he dissolved all existing democratic structures in the country, and devised various strategies to consolidate his stay in office for as long as he wished.

In his determined effort to repress popular mobilisation and dissent against his authoritarian regime, he violently suppressed pro-democracy demonstrators, unilaterally dissolved the NLC executive, broke up opposition meetings, renewed the war against the press, and arrested a number of pro-democracy activists.[28]

Against this background and Abacha's desperate effort to stultify the return to democratic rule, a new civil association, the National Democratic Coalition (NADECO) emerged in March 1994 to provide a rallying point for the democratic struggle in the country. At the same time, other civil associations re-emerged forcefully against Abacha's despotic rule.

As Olukoshi asserts:

The dedication of the associations, either single-mindedly, or as part of other wider, often professional/trade union concerns to the emerging national democratic struggle, sets them aside from other civil associations in Nigeria and organised along ethnic irredentism or religious fundamentalist lines.[29]

Larry Diamond corroborates this assertion when he submits that:

Only from Nigeria's civil society has there emerged in recent years patriotic, disciplined, unselfish civic leadership, concerned more for the national political community than the private pursuit of wealth and power.[30]

In spite of their weakness, the civil associations dedicated themselves to the struggle against continued military repression and authoritarianism. Indeed, their struggle towards political emancipation in the country has been unparalleled as they "have played a central role in placing the democratic question firmly on the Nigerian national agenda".[31]

A new democratic dispensation

The date 29 May 1999 will remain historic in the annals of Nigeria's political development. It is the day on which Nigeria witnessed the end of military rule and a return to a democratic dispensation as the military handed over power to a democratically elected President. While the transition to democratic governance itself is nothing new or spectacular, the event is symbolic in the sense that the military head of state, Gen Abdulsalami Abubakar, handed over power to the man, who as military head of state twenty years before, similarly relinquished power to a democratically elected president.

General Abubakar came to power in June 1998 amidst palpable uncertainty following the sudden death of Abacha. Following his appointment as head of state, Abubakar effected a series of institutional changes in the country's political landscape. A fundamental decision was the cancellation of the Abacha transition programme and its replacement by a new agenda which was to last for eleven months. The dissolution of the existing political parties was a manifestation of the new regime to present a common front to the citizens of Nigeria in the new political dispensation. While admitting a lot of time and resources had been invested in the parties, Abubakar maintained that the cancellation of the Abacha political transition programme was a necessary sacrifice.

This action, though significant, was construed as another deceptive political device by the military junta to hoodwink the Nigerian populace and the international community into believing that it was ready to democratise.

Many Nigerians remained unconvinced that the Nigerian military was capable of evolving any credible transition agenda. However, Abubakar, unlike his predecessors, pursued the transition programme with dogged determination and without any trace of a hidden agenda. He consistently maintained his resolve to hand over power to a democratically elected government in May 1999.

Following his lifting of the ban on politics, 26 political associations applied to the newly reconstituted Independent National Electoral Commission for registration. By December 1998, the shadows, if not the substance of a new order were discernable, and those who perceived the transition programme as phoney were proved wrong as elections to usher in democratic rule commenced. The presidential election, as expected, reflected a high turn-out of voters. Winning more than 60% of the votes, Obasanjo was sworn in as President on 29 May 1999 by General Abubakar, who became a national hero for successfully transiting from military authoritarianism to democratic governance.

Certain factors were fundamentally responsible for this momentous feat. First is the personality of Abubakar as a professional soldier, and his lack of political ambition, unlike his predecessors. Before his assumption of power as head of state and Commander-in-Chief of the Armed forces, he had held no political office. Hence, he was never "adulterated" by politics – an attribute that earned him the credibility of being a "soldier to the core". He therefore enjoyed the respect and support of his colleagues. Abubakar also deviated from his predecessors' funding of political parties. Furthermore, unlike his predecessors in office, he had no hidden agenda. Hence, he initiated and effected a much shorter transition to civil rule.

Obasanjo's Government: Interim Assessment

Nigeria's Fourth Republic took off on a credible note in May 1999, and President Olusegun Obasanjo has since then been grappling with the many socio-political and economic problems of the Nigerian nation. On assumption of office, Obasanjo was not under any illusion that things would be easy given the problems confronting his new administration.

One of the key problems is that of ethnic cleavages.[32] Ethnicity militates against national unity and integration in a pluralistic political system like Nigeria. Since independence, ethnicity in Nigeria has proved irrepressible, flourishing even under military rule; it has "developed into the ethnicisation of mass organisations, government agencies, parastatals and other major institutions".[33] With the renewal of democratisation in the country, ethnicity has assumed a dangerous dimension. There have been incessant clashes and agitations by different cultural and religious groups. Government efforts to contain the increase in communal clashes particularly in the urban centres have not paid off. In recent times, there have been bloody clashes between the two dominant ethnic and politically volatile groups in the country – Hausas and Yorubas. Dealing with ethnic conflict constitutes a crucial medium-term target for the government. To pave the way for ethnic balance in governance, Obasanjo has made sure that each of the major ethnic groups in the country is represented in his cabinet. He also corrected the marginalisation of minorities by appointing them to public office.

Another seemingly intractable issue is corruption, followed by economic growth. Obasanjo has observed that "the impact of official corruption is so rampant and has earned Nigeria a very bad image at home and abroad" and that "no society can achieve anything near its full potential if it allows corruption to become the full-blown cancer it has become in Nigeria".[34] The passing into law of an anti-corruption bill in June 2000 was a clear demonstration of the administration's resolve to stamp out the social vice. The first popular and perhaps most celebrated test case of his anti-corruption drive was the removal and conviction of the Speaker of the House of Representatives, Alhaji Salisu Buhari, on charges of age falsification and certificate forgery. The ex-Speaker was accused of using money to bribe his way to the fourth highest post in the land, when, on account of age, he was not even qualified to be a member of the House of Representatives.[35]

The President also sought to address a fundamental problem perpetuated by the military through the establishment of a human rights abuse commission to investigate all major atrocities and violations of human rights committed by past administrations since 15 January 1966. Since then, the nation's human rights record has improved tremen-

> Ethnicity militates against national unity and integration in a pluralistic political system like Nigeria

dously. Obasanjo also appointed a committee headed by Christopher Kolade to review all federal contracts and appointments, so as to check financial mismanagement in the system. Similarly, efforts have been made to recover part of the money looted from the nation's treasury by previous public officers.[36]

To clean up the mess and prevent further military insurgency, the Obasanjo administration decided to retire all military officers who had held political office, and brought to trial some top military officers. Attempts have also been made to confront the enormous economic problems precipitated by past military juntas. The grim economic realities are such that certain economic indicators portray an almost hopeless picture, as observed by Vice-President Atiku Abubakar:

> Our troubled economy was characterised by double digit inflation, volatile exchange rate, massive unemployment, huge fiscal deficit, low agricultural production, low capacity utilisation by industries, plummeting external resources, unsustainable high interest rates, scarcity of petroleum products and frequent power outages.[37]

Against this background, the government took certain measures to reverse the unpalatable trend. The measures yielded some dividends, including a modest increase in the nation's foreign reserves, a decline in inflation, the elimination of deficit spending and a modest increase in capacity utilisation.[38] These achievements can be viewed as positive steps in the right direction.

But the Obasanjo regime has not fared well in other respects. In spite of the President's anti-corruption posturing, there is evidence of a lack of adequate commitment. For instance, the disgraced former Speaker of the House of Representatives, Salisu Buhari, was later granted a state pardon. Similarly, none of the Ministers and top official of the Abacha regime found guilty of corrupt practices has been brought to justice in spite of the anti-corruption commission. Indeed, in spite of Obasanjo's efforts to stamp out corruption, Transparency International ranks Nigeria as the most corrupt nation in the world.

Obasanjo sees the dangers of this:

> All our executive efforts to move the nation forward will add up to nothing for as long as our system remains corruption-ridden. Our vision of a great Nigeria will be mere pipe dreams for as long as the dominant attitude of the functionaries assumes the need to be corrupt to survive.[39]

As part of its policy to bridge the gap between the rich and the poor, the Obasanjo administration introduced a poverty alleviation programme to provide employment for 200 000 unemployed youth across the country. However, in spite of the N5 billion dedicated to the programme in 2000, not much success was attained because it was bedevilled by fraud and hijacked by politicians. The failure of this programme shows that the problem of poverty in Nigeria goes beyond the allocation of funds. Poverty is an off-shoot of social injustice and a creation of the ruling elite, and its eradication will remain an unrealisable dream until questions of social justice and public accountability are resolved. The recent change in name to a Poverty Eradication Scheme, and the allocation of N25 billion in the 2001 budget are not sufficient indication that fundamental change will be forthcoming. Thus, neither the anti-corruption crusade nor the poverty alleviation programme has yielded the required dividends because of a lack of commitment to their implementation.

Internal security is another vital issue that has not been decisively addressed by the Obasanjo government. An increase in crime, particularly in the urban centres, is worrisome. Cases of armed robbery, hired killings and assassination attempts continue to undermine government's efforts to ensure the safety of its citizens and their property. A way of addressing the problem of internal security is for government to adequately equip its law enforcement agents. The police, in particular, should be strengthened through sufficient funding and increasing manpower.

Importantly, the transition from military to democratic rule has a variety of

> ## Poverty is an off-shoot of social injustice and a creation of the ruling elite

implications for Nigeria's political class. One scenario is that Obasanjo's election offers Nigeria another opportunity to put the military at bay, especially bearing in mind that Obasanjo was once a military head of state, which places him in a better position to check any military incursion into politics. He should therefore make it clear to the military that it is no longer feasible for them to hold the reins of power in the country. This depends on his capacity to sustain the country's democracy through good leadership. The handling of the military is particularly important in view of the fact that the Nigerian military have for so long been a dominant factor in the nation's politics. This is so pervasive that the country's future, in a fundamental sense, depends on how the military question is tackled.[40]

The endless transitions to civil rule from military administrations have provided the opportunity for them to deepen their hold on politics and create a class of client-politicians to execute military projects. This accounts for the large number of military officers to have held political office in the past and virtually control the nation's economy. Military dominance in Nigeria politics has been consistently sustained by a class of politically ambitious and power-hungry officers who are committed to keeping the military perpetually in politics. Keeping the military at bay therefore constitutes a serious issue that should be handled with utmost circumspection.[41]

If the military must be permanently restricted to barracks, the concern of the political class must transcend mere handing over of the political baton to it. Politicians must realise that it is only good government under dynamic and effective leadership that can effectively stem the tide of military incursion into politics: "the best security against military usurpation is a responsive and effective civilian regime. Even though there would always be officers who nurse political ambition, they would have difficulty in justifying their actions if they intervene against civilian regime".[42] Hence, prospects for sustaining the nascent democracy in

Nigeria depend on the ability of the political class to entrench good governance and imbibe the tenets of democratic culture.

Another scenario is that given his military background, President Obasanjo may want to govern in a military fashion. This is unlikely given that as a former military head of state, he is aware of the effects of military rule, and has in fact been a victim of military abuse of power (under Abacha's rule). In fact, behaving in a military fashion would be out of tune with the existing constitutional arrangement, because of the principle of power separation among the three tiers of government. But President Obasanjo will have to overcome the perception in certain quarters that his close affinity to the military means he will not govern in the interests of the whole country.[43]

Conclusion

The Fourth Republic under President Obasanjo's leadership is widely viewed as one that could set a good example of an enduring multi-party democracy. Given Nigeria's leadership position in Africa, the success of democracy in the country is expedient to the achieve-ment of a stable and peaceful transition to democracy in other African states still under military autocracy. Pro-democracy movements in these states are likely to be encouraged in their legitimate struggle to enthrone democratic governance.

For Nigeria's fledgling democracy to be sustained, the military must be permanently kept at bay; and for this to happen, the new democratic process should be strengthened, while the new political actors should desist from behaving in a manner that is reminiscent of the military era. The political class needs to appreciate that democracy can only be consolidated through strict adherence to the rule of law.

The long-term target of government is to ensure the indissolubility of the Nigerian state. This, of course, is dependent on the manner of resolving the fundamental issues of restructuring of the federation to make it stronger; the practising of true federalism to cater for the interests of all; and the convocation of a national dialogue or conference, to address the problem of constitutional flaws and other issues of national interest.[44] In the overall interes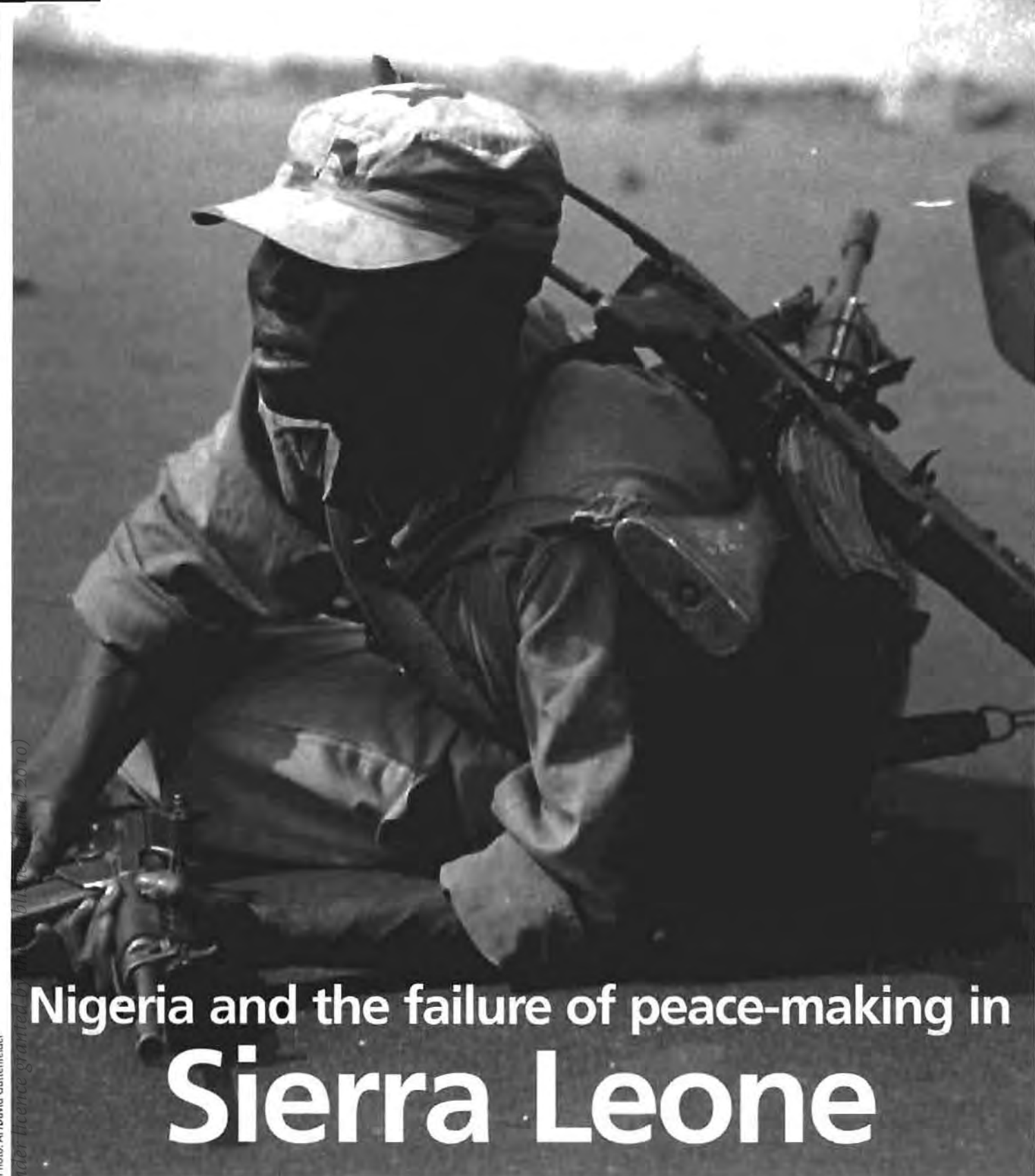t of the nation, it is incumbent on Obasanjo to demonstrate that Nigeria will not slide into a morass of political trepidation and economic mismanagement. The President has the opportunity to pursue radical policies that can transform Nigerian society and build a firmer base for its new democratic order.

While allowing for the flowering of views and opinions across the nation, Obasanjo needs the support of the National Assembly, various interest and communal groups, and indeed all Nigerians to consummate the new spirit and hope for remoulding the nation and consolidating the democratic experiment in the country.

In the end, the survival of democracy in a post-military dispensation in Nigeria is contingent upon the quality of the present leadership, its responsiveness to the needs of the people, its capacity to secure a better future for the governed as well as the political and educational empowerment of the people for popular participation in governance. Nigeria's transition to democratic rule, it is hoped, will finally set in motion an irreversible trend towards the consolidation of democracy and good governance. ☉

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offences, he later confessed and apologised to the House before quitting.

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Nigeria and the failure of peace-making in
Sierra Leone

The origin of Nigeria's deep involvement in sub-regional efforts to restore peace to crisis-torn Sierra Leone can be understood from the point of view of the origin of the crisis itself. Nigeria became involved from the beginning of the crisis, not by deliberate choice or design but by circumstances related to the nature of sub-regional politics. This paper examines the origin of the crisis, Nigeria's military and diplomatic involvement, and the failure to achieve the objectives.
By W ALADE FAWOLE[1]

What later became a full-scale civil war in Sierra Leone started in March 1991 with a lightning invasion launched from across the border in Liberia by the rebel forces of the Revolutionary United Front (RUF) under the leadership of Corporal Foday Sankoh. This invading force of Sierra Leonean rebels had the backing of Charles Taylor, the Liberian warlord who had begun his own guerrilla war in Liberia in December 1989.

Taylor had every reason to support the attack. First, he was angry with the government of Sierra Leonean President Joseph Saidu Momoh for his support for the ECOWAS initiative to send a peacekeeping force into Liberia and also for contributing a battalion of soldiers to the operation. From the onset of the ECOMOG intervention in Liberia, Taylor had vowed to teach his neighbour a lesson, and in November 1990 he threatened to launch an attack on Sierra Leone's Lungi international airport that was serving as ECOMOG's staging post.[2] Second, he reportedly had his eyes on the rich diamonds deposits near the Liberian border as a vital resource base to fund his insurrection.[3] Whatever may be the veracity of these allegations, it is indisputable that Taylor had a hand in the formation of the RUF and its invasion of Sierra Leone.

Understanding Nigeria's Involvement in the Crisis

President Momoh deployed a contingent of Sierra Leonean troops to contain the invaders who had successfully captured several towns and villages in the eastern and southern parts of the country. He later sought and obtained the assistance of military units from the Nigerian and Guinean ECOMOG contingents to repel the invasion. As far as Nigeria was concerned, the invasion of Sierra Leone was a spill-over of the Liberian crisis and therefore justified the assistance given to President Momoh.

In any case, President Momoh – who had faithfully supported Nigeria's

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initiatives in Liberia – deserved to be assisted. This was also a way to contain the trans-border contagion of the Liberian crisis and possibly clip the wings of Charles Taylor, an avowed enemy of Nigeria's Babangida regime. At the time of the ECOMOG intervention in Liberia in August 1990, both Nigeria and Sierra Leone were scared of the possibility of the war spilling over into neighbouring states and were conscious of the need to nip in the bud the possibility of disgruntled civilians taking up arms against their regimes.[4]

The cordial bilateral relations between Nigeria and Sierra Leone survived the regime of President Momoh, who was overthrown in a coup d'état led by Captain Valentine Strasser in April 1992. The main accusation levelled against Momoh was his poor prosecution of the war against the rebels. The new junta pledged a swift and decisive ending to the rebel invasion, and succeeded in obtaining continued assistance from the Nigerian forces in ECOMOG.

The Nigerian goodwill gesture was later extended to Ahmed Tejjan Kabbah, who was elected civilian president of Sierra Leone in February 1996. His closeness to General Sani Abacha made it possible for him to rely on Nigeria's continued military backing against the rebels. The Abacha regime even lured Sankoh into Nigeria in March 1997 and detained him, allegedly for possession of weapons.

But Nigeria's Abacha became uncomfortable when Kabbah was removed by a military junta headed by Major Johnny Paul Koroma in May 1997. The new junta was in alliance with the RUF (whose leader was in detention in Nigeria) and had strong links with Charles Taylor.

The unfolding scenario caused Nigeria to strengthen its troop presence in the country. General Abacha, capitalising on collective regional opposition to the coup, vowed to restore Kabbah to power in Freetown.

This was also in response to international condemnation and imposition of an economic blockade which authorised neighbouring states in West Africa "to take all necessary measures

to make life impossible for the new regime".[5] Thus Nigeria was given a blanket endorsement by the international community to decide the fate of the junta.

Nigeria's attitude to the junta was consequently that of open hostility, while every effort was made to bully it into submission. The war of nerves between the two adversaries sparked a number of bloody skirmishes between the ECOMOG troops and the junta forces. Nigeria had no qualms in justifying its actions since, according to foreign minister Tom Ikimi, "it is our duty to ensure that there is peace and stability in our subregion because if Sierra Leone were to be destabilised, it will destabilise neighbouring countries and would cross over to Nigeria".[6]

> 'If Sierra Leone were to be destabilised, it will destabilise neighbouring countries ...'

Hence, Nigeria frustrated every attempt by the junta to obtain a breathing space, not even giving the accord signed with ECOWAS in Conakry in October 1997 enough chance to succeed. Impatient with Koroma's antics, Nigeria launched a blistering military assault on Freetown in February 1998 to dislodge the hated junta and its RUF allies and fulfil its promise of restoring the ousted civilian government.[7] Kabbah returned to the capital in March, and Nigeria continued to support him because what used to be the Sierra Leonean army had disintegrated.

The Politics and Dynamics of Peace Making

The July 1999 agreement initially seemed a diplomatic triumph for Nigeria, which had borne the brunt of the ECOMOG operations in Sierra Leone. As president-elect, Olusegun Obasanjo had indicated that Nigerian troops would pull out but that he would ensure that adequate arrangements were made for a return to peace. No wonder then that he immediately invested his immense prestige and considerable energy in achieving a peaceful resolution since the costly military option had failed. The outcome of the diplomatic efforts and initiatives was the peace accord of 7 July 1999.

The signing of the peace accord was hailed by jubilant government and

rebel leaders as a sure step towards restoring peace in Sierra Leone. However, this turned out to be false elation as the ink was hardly dry on the agreement when the RUF began to violate it. The tenuous peace easily broke down once the rebel forces launched a new offensive against the government.

There is no doubt that the peace agreement was destined for the dustbin. It was hastily concluded without taking into consideration all the crucial factors needed for it to be meaningful. The ECOWAS states, with Nigeria in the forefront, were perhaps guilty of naivete in their handling of the peace accord. They were also victims of a cynical international community that was in a hurry to rid itself of the Sierra Leonean burden. A number of factors can be said to account for the haste with which Nigeria goaded Kabbah into reaching a peaceful settlement with the RUF.

In the first instance, the ECOMOG force had become war weary. This apparent war fatigue was both the result of combat exhaustion on the part of the troops who perceived no end to the war, as well as political exhaustion on the part of the sub-regional states involved in the crisis. The morale of the ECOMOG troops had waned considerably as it had repeatedly failed to defeat the RUF guerrillas on the battlefield after several months.

Besides, the force did not have a mandate to pursue the RUF into their jungle hideouts in the countryside, lest they become a party to the civil war. The force intervened originally with a limited mandate to restore the civilian government to the capital. The intervening countries miscalculated that the RUF would collapse once it was dislodged from Freetown. It was the Sierra Leonean army that collapsed instead, necessitating the deployment of more ECOMOG forces.[8]

For Nigeria, Sierra Leone was fast becoming another Liberia, another nightmarish operation of interminable duration and unquantifiable costs in economic, human and military resources.[9] What was initially conceived by the Abacha regime to be a swift and surgical military operation to remove the murderous junta of Major Johnny Paul Koroma and its RUF allies and restore the civilian government of Tejjan Kabbah had literally become

Nigeria's own Vietnam, where increasing commitment of troops and armaments was being demanded. Its troops, constituting the bulk of the intervening force, were bogged down in endless skirmishes with a well-armed guerrilla force that it could not defeat on the battlefield.

The stalemated military operation reportedly cost Nigeria about a million dollars daily, an intolerable misapplication of scarce resources. Such huge expenditure was unacceptable to the general populace of Nigerians who were very critical of their country's role in another country.

From the start, the intervention never received the blessing of most Nigerians, who could not understand what democratic lessons a grotesquely anti-democratic regime such as Abacha's could teach another country. The intervention was perceived as a pretext to divert attention away from Abacha's political problems of self-succession at home and possibly keep the increasingly restive armed forces occupied in a foreign operation.

In the process, he also sought to create the image of a sub-regional peacemaker and lover of democracy for himself in order to gain the international acceptance that had eluded his regime since inception. Nigerians generally did not expect that successive governments after Abacha would continue with what they considered wrong-headed foreign adventurism.

Philosophical disagreement with foreign military adventurism was not the only problem in Nigeria. The mounting casualty figures in an indecisive operation caused some disquiet among the military ranks and uproar among civilians.[10] The huge sacrifice of Nigerian lives to keep Kabbah in power was unacceptable. This feeling was fuelled by his evident closeness to the hated General Abacha and his lack of willingness to seek a political resolution while Abacha was still in power and using Nigerian troops to support him.

With the disintegration of the Sierra Leonean army, Kabbah was head of state without being commander-in-chief. The country's sovereignty was

maintained by the Nigerian military contingent headed by Brigadier General Maxwell Khobe (now deceased) whom he appointed as his Chief of Defence Staff. Under this scenario, his initial sluggishness to negotiate a political settlement with the rebels was derided by Nigerians.

Even at that time, pressure was mounted on the Nigerian government to withdraw its troops from the operation to allow Sierra Leoneans to solve their own problems. The military regime of General Abdulsalami Abubakar that succeeded Abacha was barely able to withstand the pressure for troop withdrawal, as it had to promise in January 1999 that it would pull out before May to ensure that the incoming civilian regime would not inherit the burden.[11]

President-elect Obasanjo also recognised this palpable pressure and vowed that he would pull out once he took office in May, not only in response to popular sentiment but also because he had inherited a stagnant economy that had been mindlessly plundered by decades of military rule. To fulfil his party's electoral promises and programmes he would have to cut external spending to the barest minimum. The Sierra Leonean problem then had to come up for reappraisal in line with the political and economic realities in Nigeria.

If Nigeria, the major financier of the operation, was already groaning under the crushing weight of economic and military commitments in Sierra Leone, the other West African states did not fare any better. It was a needless burden, even though their commitment to the entire operation, compared to Nigeria's own, was at best minimal.[12] This was because of the smallness of their populations, their economies and the military forces at their disposal. None of them was in a position to do much about the crisis and they were probably relieved when Nigeria pressured Kabbah for a negotiated solution.

Added to the political, economic and military exhaustion of the member states of ECOWAS is the perpetual problem of a lack of sub-regional con-

> **The stalemated military operation reportedly cost Nigeria about a million dollars daily**

sensus on the necessity for the intervention. Aside from Ghana, Guinea and Mali that deployed troops alongside Nigeria during the February 1998 invasion, the contributions of other states were minimal.

To begin with, Liberia's President Taylor, the main supporter of the RUF and the renegade Koroma junta, did not take kindly to the invasion that he considered pre-emptive of and thus prejudicial to the provisions of the October 1997 Conakry accords.[13] He harboured deep-seated resentment towards Nigeria's 'big-brother' role in the region, the underlying cause of the frosty relationship between Liberia and Nigeria.

Taylor has at various times accused Nigeria of using the guise of peacekeeping to further a Pax Nigeriana in the sub-region. No sooner did he come to power through an internationally supervised election in 1997, than he ordered ECOMOG troops out of Liberia in violation of an agreement that the sub-regional force would train a new Liberian army.[14]

Moreover, the perpetual anglophone-francophone dichotomy that has always prevented collective action on major issues in the sub-region became prominent again. Côte d'Ivoire and Burkina Faso did their best to frustrate ECOMOG in Liberia, and Burkina Faso carried the same attitude over into the Sierra Leonean operation.[15] The implication is that what was called the ECOMOG presence in Sierra Leone was a purely anglophone 'road-show', with Guinea and Mali providing cosmetic francophone representation. The RUF leadership capitalised on this sub-regional schism to frustrate attempts at reaching and sustaining a political settlement.[16]

Nigeria's threat to withdraw because ECOMOG had not succeeded in defeating the RUF on the battlefield was a serious blow to Kabbah. Without an army of his own, and with the RUF having already demystified and bloodied Executive Outcomes, the South African mercenary outfit employed by the Sierra Leonean government, Kabbah was presented with a dilemma: either to allow the RUF to invade and take over Freetown again or seek a political settlement with it that would guarantee his own survival.[17]

The rebels had, during their first invasion of Freetown, left a bloody legacy of unprecedented savagery and barbarism which was too gruesome to forget. The fear of another RUF invasion in the wake of a Nigerian withdrawal created panic and disunity within the government. The cabinet of President Kabbah became polarised between the hawks and the doves, thus creating a serious split within the ruling political party (Sierra Leone Peoples Party) and posing a challenge to Kabbah's leadership.

As his survival in power became increasingly tenuous he was compelled to negotiate with the rebels from a weakened position, and the outcome could not have been different from what it turned out to be.[18]

The Problems of Nigeria's Peace Initiatives

Since the end of the Cold War and the cessation of East-West rivalry for military and ideological supremacy, African problems have been consigned to the back burner in world politics. The great powers that once courted the continent no longer have real geo-political or geo-strategic interests in it, and have thus callously abandoned it to find its own solutions to its own problems.[19] Nowhere is this global neglect more glaring than in the Liberian bloodbath, the mindless carnage in Sierra Leone, the genocide in Rwanda, ethnic cleansing and civil war in Burundi, and the intractable multi-dimensional bloodletting still raging in the Democratic Republic of Congo.

Because these conflicts do not, in the estimation of the great powers, threaten international peace and security they can be ignored and Africans can be advised to find "authentic African solutions" to their own prob-

> Could the negotiators have suffered from collective amnesia not to remember that Sankoh had a reputation for reaching and breaching agreements?

lems. The civil war in Sierra Leone was treated this way.

Consequently, it was a combination of the cynicism of the international community, intra-ECOWAS split, the politico-economic and military exhaustion of Nigeria and other ECOWAS states and the dynamics of Sierra Leonean politics that finally ensured the inevitable convening of a series of meetings that resulted in the fatally flawed Lomé Peace Accords of July 1999.[20]

If the ECOWAS states uncritically subscribed to the illusion that a negotiated settlement was the required panacea, the RUF was not similarly deluded. Its leadership, while going along with the charade of peaceful negotiation, did not forsake its ultimate agenda to capture power. The ECOWAS leaders naively played into Foday Sankoh's hands by guaranteeing his return from exile without penalties for the war crimes and human rights atrocities committed by him and his rebels and without extracting from him a firm commitment to renounce violence, demobilise and encamp his troops.[21] Beyond that, the facilitators and guarantors of the peace deal also agreed to reward him with a vital position in a power-sharing arrangement.[22]

While the rebel group was given four cabinet posts, Sankoh himself was made chairman of the strategic National Minerals Commission to supervise the vital minerals sector, a case of hiring the chief robber to guard the loot. It was, after all, his control of the diamond trade which had always funded his war machine.

By handing over this strategic portfolio to Sankoh, the peace deal unwittingly made him the de facto power in the country. Thus stripped of a vital source of national economic power and without his own army, Kabbah was no more than a hapless paper tiger in the face of Foday Sankoh's soldiers and sophisticated arsenal of modern weapons. It was not surprising that Sankoh readily exploited his opponent's powerlessness to try to seize power.

One wonders at the naivete that pushed the guarantors of the peace deal to reach such an obviously lopsided agreement with a rebel group that had in eight years terrorised the people of Sierra-Leone and committed the most unspeakable kinds of atrocities – killing, maiming and raping

SIERRA LEONE

Map: Elize van As/ABA

women and children, in addition to arson and wanton lawlessness.

Could the negotiators have suffered from collective amnesia not to remember that Sankoh had a reputation for reaching and breaching agreements?[23] Everyone seemed to have forgotten that he was even at a time expelled by the RUF high command for refusing all entreaties to discuss peace and for preferring only the military option.[24] How can the leaders of a sub-region not have seen that the agreement that they cobbled together gave legitimacy to heinous crimes and mindless violence by granting wholesale amnesty to rebels? This blatant omission to punish war atrocities prompted the human rights body Amnesty International to denounce the agreement, warning

that "by failing to tackle impunity for gross human rights abuses, the peace agreement provides no deterrent to continuing human rights abuses or contempt for international human rights and international law".[25] This warning would turn out to be a self-fulfilling prophesy as the RUF rebels abducted 34 people, including members of the UN monitoring team, Nigerian soldiers, journalists and British military personnel.[26]

The guess would be that in their haste to get out of the raging inferno and with an international community that was apparently willing to overlook eight years of human rights atrocities, the West African leaders also conveniently forgot to focus on the full implications of their actions.

Not only did they grossly underestimate the psychopathic impulses of Foday Sankoh and his capacity for extreme violence, they also underestimated his iron resolve to seize power by all means. They equally failed to reckon with the example and powerful influence of Charles Taylor, Sankoh's major supporter and role model, who had launched a seven-year bloodbath to attain power.

Equally lost in the calculations for peace was the RUF's control of the countryside containing vital natural resources such as diamonds, gold and timber that gave it the economic muscle to pursue its objectives. With these vital resources, several countries and foreign companies which were doing illegal but profitable business with the

RUF were not interested in the return of peace as long as their pillage of the country continued.

The ECOWAS states also did not reckon with the complicity of their soldiers and civilians who were known to be colluding with RUF rebels to frustrate the peace deal. Nigerian soldiers and civilian officials were implicated by the Indian commander of the United Nations Mission in Sierra Leone (UNAMSIL), Major General Vijay Jetley, in the diamond deal.[27] The consequence is that the peace deal was bound to be ineffective because Sankoh was doing business with the peacekeepers to subvert it.

But even from a pragmatic standpoint, Sankoh was not morally bound to honour a deal brokered and guaranteed by Nigeria, a country that had illegally arrested and detained him for months on spurious allegations because of its partisan support for the government of Kabbah. Besides, it was Nigeria's support for successive governments in prosecuting the civil war since inception that had thwarted his bid to take over the entire country by force. Nigeria had aided every regime from Joseph Momoh to Valentine Strasser, Julius Maada Bio to Kabbah against the RUF.[28] It was therefore too morally tainted as a partisan arbiter to be trusted by the RUF leadership. Nigeria simply re-enacted the same partisanship that it had also demonstrated in Liberia.

It is therefore pertinent to conclude that the necessity for a political solution to the civil war was reached only after the failure of the military option to resolve the crisis conclusively.[29] In spite of ECOMOG intervention, the RUF could not be dislodged from their enclaves around the diamond mines which bankrolled their arms purchases.

The peacemakers forgot to reckon with Sankoh's vast destructive firepower, a considerable armoury of assault weapons that he had stockpiled over the years. They also underestimated the arms merchants supplying weapons in exchange for diamonds and other resources of the Sierra Leonean countryside. In the meantime, their reign of terror could not be checked, and a thoroughly exhausted ECOWAS needed a way out of this creeping sub-regional "Vietnam".

In its haste, the Nigerian leadership tragically forgot that peace cannot be obtained by overlooking the atrocities perpetrated by a rebel group. After all, the laws of war prescribe civilised standards for the conduct of armed hostilities. It is amazing that Nigeria would be willing to pretend that it could make an agreement hastily concluded with untrustworthy guerrillas work to return peace to a traumatised country and people.[30] Would it then be any wonder that the agreement never endured even for a month before it was torpedoed by the RUF?

The activities of Sankoh and his men in continuing the mayhem they were known for testifies to the futility of reaching agreements with a rebel force without insisting on the basics. To further demonstrate their contempt for the peace process, the RUF rebels have on at least three occasions held ECOMOG and UN troops hostage, with one abduction of British soldiers leading to a bloody rescue operation by the British forces in September 2000.

A Failed Pax Nigeriana?

Nigeria's peace-making attempts in Sierra Leone foundered not for lack of commitment but for an inappropriate understanding of the multi-dimensional crisis in all its ramifications and manifestations. What would have turned out to be a foreign policy triumph for the newly installed Obasanjo administration and stamped Nigeria's authority on the sub-region not only as a military and economic power-house but also a master of the delicate art of diplomacy turned sour.

As it turned out, peace did not return as envisaged and Nigeria became mired in the crisis, unable to withdraw totally because of the precarious security situation in Freetown. It would appear that the arrival of the UN in November 1999 to take charge of the peace process was the relief that Nigeria had been looking for, at least from an economic and diplomatic standpoint. Its troops were now only a part of the UN command and the financial burden would henceforth be borne by the world body.

> Nigeria's peace-making attempts in Sierra Leone foundered not for lack of commitment but for an inappropriate understanding of the crisis

The military operation to restore peace was a profound failure largely because it was wrongly conceived and lacked a definitive mandate beyond getting rid of the junta and restoring Tejjan Kabbah to power. Nigeria found itself goaded into that operation because General Abacha capitalised upon general African and global resentment of the overthrow of a democratically elected regime to attempt to gain international credibility for his own undemocratic regime. It was an opportunity too good for his pariah regime to pass off.

Had it done a careful appraisal of the situation, it would have realised the intricate character of the resource-fuelled crisis, the military strength of the RUF and its capacity for mayhem, as well as anticipating the frustration of a professional army having to fight a guerrilla force that is not bound by the civilised rules of conducting military operations. Nigeria did not learn from its own Liberia experiences that unless it was willing to use maximum force, success would be elusive.

The failure may not be as a result of timidity so much as naivete. It was wrongly assumed that everything would be normal once the junta was dislodged from the capital and Kabbah returned to power. This assumption did not reckon with the fact that not only had the Sierra Leonean armed forces disintegrated but also that even in the best of times it was no match for the well armed RUF.

The implication was that Kabbah was going to have to rely on the intervention forces to maintain his authority and possibly fight the war. Unfortunately, Nigeria had no wish to engage the rebels in their enclaves. This singular refusal to go the full distance robbed the ECOMOG of victory. Had Nigeria been willing to use enough force to engage the rebels fully, its chances of forcing them to sue for peace would have been enhanced and that would have given Kabbah the chance to negotiate from a position of

strength. With the benefit of hindsight, an open declaration of intent to fight and vanquish the rebels on the battle-field would have forced the RUF either into total disintegration or to embrace peace. And Nigeria would have been in a position to impose the conditions that would have resolved the problem.

Limited by its narrow objectives, Nigeria could not back out once the operation became prolonged. The country violated the elementary rule that a nation should not engage in a foreign adventure unless it has the means and guts to see it through to the end. In both its gung-ho approach and indecent haste to score cheap foreign policy points, the Abacha regime neglected the diplomatic angle that is always so critical to success in such multinational endeavours.

A more careful analysis of the situation in Sierra Leone, coupled with an understanding of the dynamics of sub-regional politics, would have allowed Nigeria to combine effective diplomacy with armed force to achieve its objectives. The fundamental lesson for the future is that half-hearted measures cannot resolve complex internal crises

the likes of which Africa is often faced with in the post-Cold War era.

On the diplomatic front, the failure of peace-making was intricately tied to the dynamics of national politics in Nigeria itself. The new civilian government was in haste to divest itself of the albatross of a foreign adventure inherited from the military regime to satisfy popular sentiment at home, as well as to reconcile its expenditure with the realities of a depressed national economy. Because President Olusegun Obasanjo had made known his intent to withdraw Nigerian troops from the civil war even before he was sworn into office, his government had to honour that commitment.

But in doing so, it did not reflect on the full implications of the crisis to enable it implement its policies without doing damage either to Sierra Leone or to its own reputation. Having invested so much in that country in terms of resources and manpower, Nigeria should have acted less precipitately. The overt demonstration of exhaustion further weakened Tejjan Kabbah and strengthened the spine of his adversaries to intensify their armed subver-

sion of the peace process. Nigeria did not allow Kabbah to negotiate with the rebels from a position of relative strength.

Going to the negotiations in an obviously weak position, Kabbah had no choice but to accede to most of the rebel demands.[31] The consequence was to further strip the de facto Sierra Leonean government, already at the mercy of ECOMOG, of national economic power.

Without intending to do so, Nigeria and the other facilitators of this appeasement compounded the vulnerability of the government and put it at the mercy of its well-funded and well-armed foes. Hardly a month elapsed before the house of cards began to crumble because Nigeria was unable and unwilling to defend the peace deal it had helped to put in place.

The Sierra Leonean intervention and peace making has been a foreign policy fiasco. The objectives of restoring peace to a troubled country could not be accomplished in spite of the enormous sacrifices in men and resources.

Notes & references

1 I gratefully acknowledge the assistance of the African Studies Centre, Leiden, the research and writing of this paper were done during a three-month fellowship at the Centre from September to December 2000. The Centre is not in any way responsible for the contents of the paper

2 C Clapham, 'Sierra Leone: Recent History', *Africa South of the Sahara*, London: Europa Publications, 2000, p 956.

3 G Arnold, *Historical Dictionary of Civil Wars in Africa*, London: Scarecrow Press, 1999, pp 237-238.

4 S Ellis, *The Mask of Anarchy: The Destruction of Liberia and the Religious Dimension of an African Civil War*, London: Hurst and Co, 1999, p 161

5 *Africa Research Bulletin*, vol 36, no 5, 23 June 1990, p 12695

6 T Ikimi, quoted in *Africa Research Bulletin*, vol 34, no 6, 21 July 1997, p 12735.

7 With General Abacha as ECOWAS chairman, foreign minister Tom Ikimi as chairman of the ECOWAS Committee of Five on Sierra-Leone, Brigadier-General Abdul-One Mohammed as ECOMOG chief of staff, and Colonel Maxwell Khobe as the task force commander, Nigeria was in a position to call the shots. *West Africa*, 16-22 February 1998, pp 222-227; *West Africa*, 2-15 March 1998, pp 302-305.

8 By the end of 1998, the ECOMOG force in Sierra Leone had grown from 7 000 to 15 000. Clapham 2000, p 955.

9 President Obasanjo revealed in

November 1999 that Nigeria had spent a total of $8 billion on peacekeeping operations in Liberia and Sierra Leone, and was still spending $1 million a day in Sierra Leone before the United Nations sent troops.

10 Nigeria reportedly lost about 800 soldiers in the battle for the control of Freetown and its environs in 1998, prompting General Abdulsalami Abubakar to threaten to withdraw the troops. Clapham 2000, p 956.

11 *Africa Research Bulletin*, vol 36, no 1, 22 February 1999, p 13388A.

12 Nigeria contributed 90% of all troops in Sierra Leone; Ghana, Guinea and Mali shared the rest. *Africa Research Bulletin*, vol 36, no 4, 24 May 1999, p 13521A.

13 Johnny Paul Koroma had signed an agreement with ECOWAS in Conakry, Guinea in October 1997

14 Taylor described the ECOMOG venture as a Trojan Horse for Nigeria's recolonisation of Liberia. He argued that as a known supporter of President Samuel Doe, Nigeria was not qualified to play the role of arbiter. *West Africa*, 20-26 August 1990, p 2329; J Levitt, 'Pre-Intervention Trust-Building, African States and Enforcing the Peace: The Case of ECOWAS in Liberia and Sierra Leone', *Liberian Studies Journal*, vol 24, no 1, 1999, p 16

15 J Adisa, 'Nigeria in ECOMOG: Political Undercurrents and the Burden of Community Spirit', in J Owoeye (ed), *Nigeria in International Institutions*, Ibadan: College Press, 1993, pp 149-150; A Adebayo and C

Landsberg, 'Pax Africana in the Age of Extremes', *South African Journal of International Affairs*, vol 7, no 1, Summer 2000, p 16; P Omach, 'The Africa Crisis Response Initiative: Domestic Politics and Convergence of National Interests', *African Affairs*, vol 99, no 394, January 2000, pp 79-80

16 WA Fawole, 'Military Power and Third-Party Conflict Mediation in West Africa: The Liberia and Sierra Leone Case Studies', Unpublished research report, African Studies Centre, Leiden University, December 2000

17 Y Bangura, 'Reflections on the Abidjan Peace Accord', *Africa Development*, vol 22, nos 3 & 4, 1997, pp 234-235; *Africa Research Bulletin*, vol 36, no 1, 22 February 1999, p 13388

18 *Africa Research Bulletin*, vol 36, no 1, 22 February 1999, p 13389

19 Adebayo and Landsberg 2000, pp 14-15. Also see S Wright, 'Africa and Global Society: Marginality, Conditionality and Conjuncture', in O Akinrinade and A Sesay (eds), *Africa in the Post-Cold War International System*, London: Pinter, 1998, pp 133-146.

20 Fawole 2000

21 Even the death sentence passed on Sankoh in absentia in 1997 was revoked by Kabbah as part of the reconciliation efforts. *Africa Research Bulletin*, vol 36, no 7, 26 August 1999, p 13628

22 *Africa Today* (London), August 1999, p 36

23 The RUF reached an agreement with

Kabbah at Abidjan on 30 December 1996 only to team up with Major Koroma to oust the government in May 1997. Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone (RUF/SL), *Africa Development*, vol 22, nos 3/4, 1997

24 'Rebel Chief Ousted', *Africa Research Bulletin*, vol 34, no 3, 25 April 1997, p 12621.

25 *Africa Today* (London), August 1999, p 36.

26 *Africa Today* (London), September 1999, p 17; Clapham 2000, p 956.

27 Memo to the UN Secretary General by Maj-Gen Vijay Jetley, *This Day* (Lagos), 17 September 2000. UNAMSIL was deployed by the United Nations in November 1999 to gradually take over from ECOMOG. The remnants of Nigerian troops are now operating under UN command in the multinational force

28 A Sesay, 'Paradise Lost and Regained? The travails of democracy in Sierra-Leone', in D Olowu, A Williams and K Soremekun, *Governance and Democratisation in West Africa*, Dakar: CODESRIA, 1999, p 313.

29 *Africa Research Bulletin*, vol 36, no 4, 24 May 1999, p 13521.

30 President Kabbah retorted that the RUF "had offered ceasefires in the past and ignored them". *Africa Research Bulletin*, vol 36, no 1, 22 February 1999, p 13388

31 *Africa Research Bulletin*, vol 36, no 7, 26 August 1999, p 13628.

The narrow military objective of dislodging a hated junta was accomplished but the aftermath was another round of full-scale violence unleashed by the retreating rebels and the partitioning of the country between the rebel forces and the government in Freetown. The peace-making also failed because of unwillingness on the part of its guarantors to make it work.

Perhaps one significant lesson here is that ECOWAS is not NATO and Nigeria is not the United States; both lack the requisite military, economic, political and diplomatic resources to impose their will. Neither ECOWAS nor Nigeria should in future contemplate a military operation without adequate preparation, assurance of the means to accomplish the objective, and the political will to do so.

Concerning peaceful negotiations and peace-making, Nigeria must remember that rebel groups with external backing and vast resources should not merely be trusted to keep their end of the bargain, they must be compelled to do so, if need be by armed force.
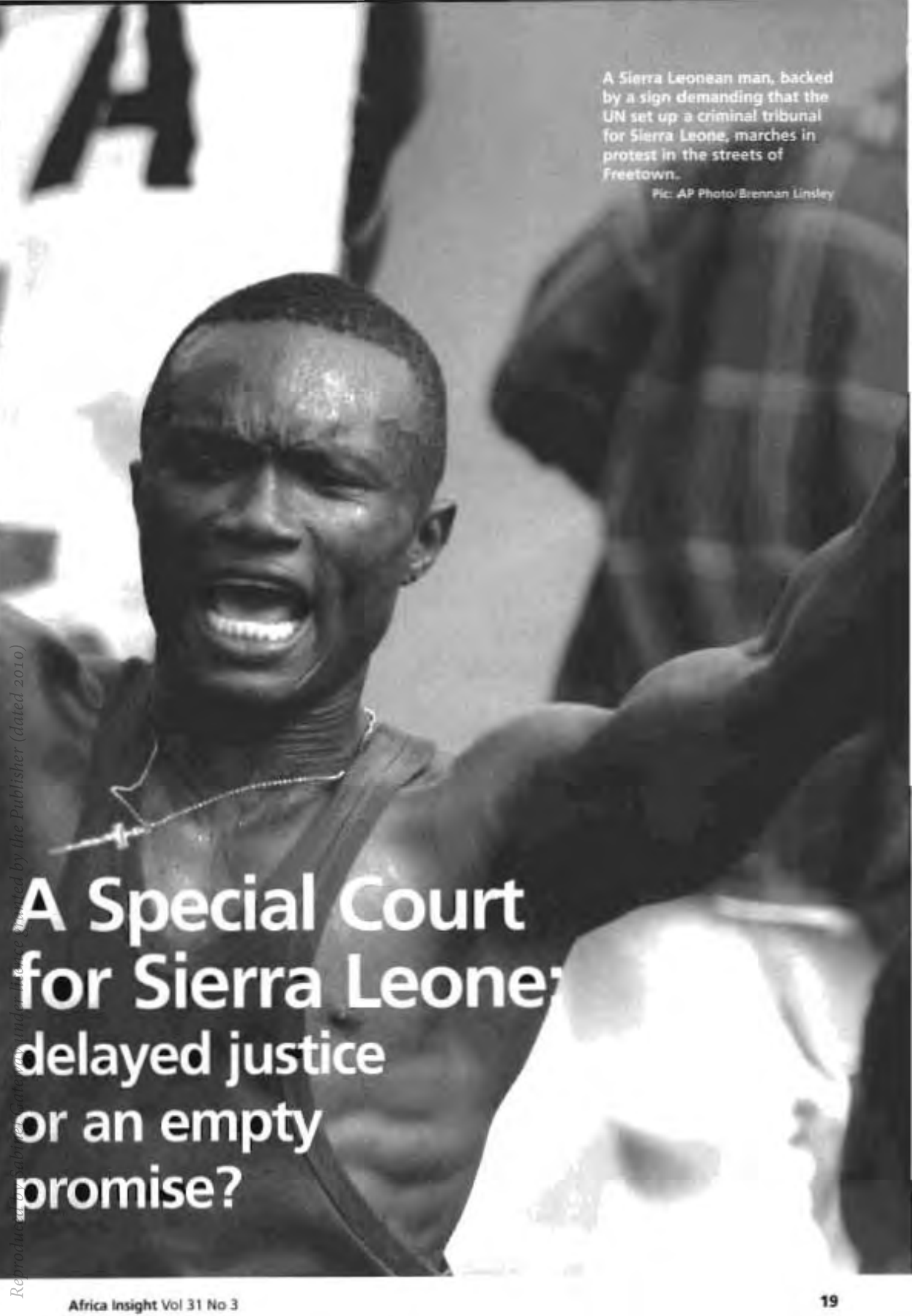
Conclusion

With the country effectively partitioned between the government of Tejjan Kabbah and UNAMSIL on one side and the rebels on the other, it would appear that military operations alone cannot resolve the problem. Apart from maintaining security and keeping the status quo in its area of control, UNAMSIL is unwilling to use force effectively because the troop-contributing states are themselves unwilling.

The neighbouring states already directly involved in the crisis (Nigeria, Liberia and Burkina Faso) with the assistance of other ECOWAS states and the OAU have to continue the search for an enduring political resolution.

Liberia and Burkina Faso, the main supporters of the RUF, have to be persuaded to drop their partisan support in order to ensure the return of peace and stability to the sub-region. But it is important to emphasise the inevitability of the use of military force to disarm and demobilise the rebel forces, and decommission the vast arsenal of dangerous weapons in their hands for peace to return to the country. ○

A Special Court for Sierra Leone: delayed justice or an empty promise?

Following the conclusion of the Cold War, the world has experienced a renewed determination to put an end to impunity for gross human rights violations through the establishment of international criminal tribunals. The first recent experiment in this direction was the creation of the International Criminal Tribunal for the Former Yugoslavia.[1] Simultaneously, the international community has taken up a banner last carried after the close of World War II in pursuing the establishment of a permanent international criminal court,[2] writes ANDREAS O'SHEA

In Africa, Rwanda experienced the worst genocide since the time of the Jewish holocaust, and the victors of the subsequent revolution then requested the United Nations to establish an international tribunal. The International Criminal Tribunal for Rwanda was established by virtue of a Security Council resolution and would constitute an African precedent for an international forum for the trial of perpetrators of crimes against humanity.[3]

While the Rwanda trials plod along, these developments have apparently given the impetus for another ad hoc criminal tribunal, this time for Sierra Leone. The government of Sierra Leone, having captured the Revolutionary United Front (RUF) rebel leader Foday Sankoh, requested the United Nations to establish a war crimes tribunal. The Security Council then passed resolution 1315 (2000), requesting the Secretary-General of the United Nations to negotiate an agreement with the government of Sierra Leone for the creation of an independent "special court".

The Secretary-General of the United Nations submitted a report dated 4 October 2000 to the Security Council, which incorporated a negotiated agreement between the United Nations and the government of Sierra Leone, as well as a proposed Statute for the court.[4] The proposed court represents an extension of and an elaboration on existing models for international criminal justice.

Structure and Operation of the Court

It is envisaged that the seat of the Special Court will be in Sierra Leone, with the possibility of it meeting in the territory of another state if circumstances so require.[5] It has been recommended that there are no suitable premises and that a prefabricated forum on government land might be the most sensible option. Given the persistent nature of the conflict it is foreseeable that if the court is indeed located in Sierra Leone itself, that it will be sited at the peace mission headquarters for security reasons.

In terms of the draft Statute, the Court will consist of two trial chambers and an appeals chamber.[6] A possible merger with the Appeals Chamber for the existing ad hoc tribunals for Yugoslavia and Rwanda has been rejected as too costly and may lead to unnecessary delays in proceedings. Each trial chamber is to consist of three judges and the Appeals Chamber of five judges.[7]

A Registry and Prosecutor will also be incorporated in the structural framework of the Court. While the Registry will be responsible for the general administration and servicing of the Court the Prosecutor will conduct investigations and prosecutions.

The Special Court will be competent to try persons most responsible for serious violations of international humanitarian law and Sierra Leonean law committed in the country since 30 November 1996.[8] This date reflects the conclusion of the failed Abidjan Peace Agreement. It avoids the otherwise overburdened workload of the Court that might result from taking matters back to the inception of the conflict in 1991, while ensuring that the most serious crimes and various geographical aspects of the conflict are addressed. The end of the temporal jurisdiction was left open-ended due to ongoing hostilities in parts of Sierra Leone. As is the case in the other models of international criminal adjudication, the Court has concurrent jurisdiction with the national court system of Sierra Leone.[9] This means that offenders may be tried either before a national court or before the Special Court. However, they may not be tried before both in accordance with the principle of *non bis in idem*.[10] As with the Yugoslav and Rwanda Tribunals, but unlike the future International Criminal Court, the Special Court also has primacy of jurisdiction over the national courts. This implies that the national courts must cede jurisdiction over an individual in favour of the Special Court in cases where the Court has issued an indictment.

The rules of procedure and evidence adopted in the Rwanda Tribunal are to apply mutatis mutandis to proceedings before the Special Court, with necessary changes.[11] Where an individual has been found guilty before the Special Court he or she shall, unless a juvenile offender, be subject to a period of imprisonment.[12] As with other international criminal courts, the death penalty is not a legitimate penalty. This can cause perceived injustice where the foot soldiers are tried nationally and sentenced to death, while the leaders are exempted from this harshest of penalties. However, it is difficult for the international community to justify the use of the death penalty in light of developments in international human rights jurisprudence. Sentences will be served in Sierra Leone or in other states where circumstances so require and where a framework agreement has been reached.[13]

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The Hybrid Nature of the Proposed Court

The appellation "special court" gives a suitable expression to the court's hybrid nature. One of the most novel features of the court is its application of both national and international law and its probable blend of international and local judges. It will be neither purely national nor exclusively international. Indeed, one cannot even describe it as supranational in the sense used to describe regional tribunals like the European Court of Justice or the African Commission on Human and People's Rights.

There are a number of examples of regional tribunals that apply an international law peculiar and tailored to a region to situations of a particularly domestic character with regional implications. The Special Court will have mixed jurisdiction over questions of pure international law as well as questions of pure national law.

Thus, the Court's jurisdiction will cover both serious violations of international humanitarian law, a creature of customary international law and treaties, and Sierra Leonean law, the national law pursuant to statutes and developed by case law. The distinction is quite clear. International laws are created through the consent of states and have their affects on the international plane.

National laws on the other hand are created through national processes and have their affects exclusively within the jurisdiction of that national legal system. Thus, international law is only applied nationally in so far as it is recognised within the national legal system. Similarly, it is a general principle of international law that provisions of national law may not be relied on as an excuse for reneging on international obligations.

None of the existing models for international criminal tribunals (in the strict non-national sense) incorporate this bridge between the national and international arenas in terms of subject matter jurisdiction, which is confined to crimes in terms of international law. The proposed International Criminal Court's jurisdiction is confined to the most serious crimes under international law including genocide, crimes against humanity, war crimes and aggression (subject to subsequent agreement on the meaning of aggres-

sion).[14] The International Criminal Tribunal for the Former Yugoslavia tries individuals for grave breaches of the Geneva Conventions of 1949, violations of the laws and customs of war, genocide and crimes against humanity.[15] The Rwanda Tribunal's competence is confined to genocide, crimes against humanity and violations of Article 3 common to the Geneva Conventions and of Additional Protocol II.[16]

The Law passed for the establishment of extraordinary chambers in the Cambodian Courts is a national law that aims to establish a court within the existing national framework and only applies international law as incorporated into Cambodian law through the law itself and existing laws.[17] This proposed national model does, however, possess a composite nature by virtue of the mix of international and local judges.

Structurally, as with the Cambodian example, the composition of the judges includes both judges appointed by the government of Sierra Leone and judges appointed by the Secretary-General of the United Nations.[18] While the constitutive documents of other international tribunals do not expressly provide for a mechanism to ensure a mix of local and international expertise, this is ensured in practice.

The pool of judges will usually consist of experts in international law as well as national judges with particular competence in the application of national criminal law. The same practice has developed in the selection of prosecution and defence counsel and their assistants.

This is an important aspect of international criminal process, since national lawyers are frequently ignorant of international principles and international lawyers are often professors of international law having little experience of the problems encountered in relation to questions of criminal procedure and evidence.

> Another challenge deriving from the particular nature of the conflict in Sierra Leone is the dilemma of what to do with the children who participated in some of the worst atrocities

Challenges in the Future Operation of the Court

One of the foremost political and legal challenges for the role players in the process of transitional justice in Sierra Leone is to map out the relationship between the proposed Court and the National Truth and Reconciliation Commission.

This is closely inter-related with another challenge deriving from the particular nature of the conflict in Sierra Leone: the dilemma of what to do with the children who participated in some of the worst atrocities.

There is now a wealth of experience on the national level with respect to the operation of truth commissions.[19] Some have been accompanied by amnesties. In South Africa amnesty formed a specific component of the process and mechanism for obtaining the truth. There is now likewise a growing pool of examples for understanding international criminal process.

However, this will be the first time that an international criminal tribunal is established in conjunction with a Truth Commission for the same conflict. The conflicts of the Second World War, in the Former Yugoslavia and in Rwanda were all followed by an unwavering pursuit of criminal justice with no parallel process akin to what we now call Truth Commissions.

While these criminal processes have not been averse to other processes for recording the truth about past violations, they would seem to have been completely opposed to any element of formally recognised amnesty incorporated in that process.

The Statute of the future International Criminal Court contains no exemption for the beneficiaries of amnesty in terms of national law. It excludes a finding of inadmissibility where the state "has decided not to prosecute the person concerned" and that this decision has resulted from "the unwillingness or inability of the State genuinely to prosecute".[20] This would appear to exclude amnesty as a

ground for inadmissibility. This is reinforced by the broadly stated principle in the preamble that the state parties are "determined to put an end to impunity for the perpetrators of these crimes…".

The Statute of the Special Court itself expressly excludes the possibility of a prosecution being halted by reason of amnesty. Thus, Article 10 of the Statute provides that:

> An amnesty granted to any person falling within the jurisdiction of the Special Court in respect of the crimes referred to in articles 2 to 4 of the present Statute shall not be a bar to prosecution.

This raises the interesting question of the legality of proceedings against an individual granted amnesty in terms of the Lomé Peace Agreement. This is not a national law, but a legally binding treaty. In terms of international law, subject to the terms of the treaty itself, a treaty cannot be unilaterally terminated or amended by one party to the prejudice of another. Nevertheless, there is a customary right to prosecute crimes under international law subject to universal jurisdiction.[21] The United Nations cannot be said to have consented to the renunciation of this right. The United Nations made a lawful reservation to the amnesty clause when signing the Lomé Agreement, to the effect that it would not apply to international crimes of genocide, crimes against humanity or other serious violations of international humanitarian law. The failure to object to this reservation by the other parties to the treaty had the legal effect of making all the parties bound by it as part and parcel of the legal framework.

A question still arises, whether Article 10 of the Statute can have any effect on amnesty for crimes other than these serious international crimes. Since the rebels were not party to the Statute they cannot be considered bound by its provisions, and arguably can still rely on the Lomé amnesty.

While the Agreement may have been terminated through a fundamental change in circumstances, arguably amnesty creates a legal regime that survives the termination of the treaty.[22]

In order for there to be any completely effective amnesty component to the Truth Commission process, there would need to be an amendment to the Statute. It is still debatable whether amnesty could be lawfully granted to perpetrators of serious international crimes, where there is arguably a customary obligation to prosecute.[23] However, this obligation is probably subject to a customary exception in relation to amnesty in peace treaties derived from a long-standing practice in this regard.

Amnesty granted as part of the Truth Commission process could nonetheless apply to perpetrators that did not fall within the target of the Court because they were not the "most responsible" persons for atrocities. These perpetrators would only require amnesty from national prosecution.

Apart from the question of immunity from prosecution the most important potential link between the Court and the Commission lies in the role played by each institution in the handling of child offenders. The fact that the Statute contains special provisions on the treatment of juvenile offenders[24] confirms that it is envisaged that in certain cases children might be considered as persons "most responsible" for the commission of crimes within the jurisdiction of the Court, and therefore subject to its jurisdiction.

The age specification of 15 to 18 at the time of the commission of the offence also, however, confirms that those who were younger would not come before the Court. Here the Commission can play an important role in ensuring the accountability of these children at least in terms of having to recount their role and in making recommendations for their rehabilitation.

> ## It is still debatable whether amnesty could be lawfully granted to perpetrators of serious international crimes, where there is arguably a customary obligation to prosecute.

Further, some mechanism should be devised for making the evidence of children part of the court record or admissible in Court proceedings. There may also be scope for the transfer of juvenile offenders between the two organs.

Thus, Article 15(5) of the Statute of the Special Court for Sierra Leone provides that in the prosecution of juvenile offenders, "where appropriate, resort should be had to alternative truth and reconciliation mechanisms, to the extent of their availability".

The Achilles Heel in the Plan – Voluntary Funding

Criminal litigation is an expensive exercise. Funds are needed, inter alia, for the investigation, the extensive preparation of the indictment and the trial, witness expenses, the payment of judges at first instance and on appeal, as well as the provision of defence counsel and expenses involved in the preparation of a defence. International criminal litigation has its own problems. Suitable premises, personnel and equipment are required. The requirement to respect international human rights standards in the conduct of proceedings implies the toleration of extensive interlocutory proceedings, usually initiated by the defence.

In complex matters prosecution and defence counsel require the assistance of co-counsel, legal assistants and investigators. These and the judges need to be flown from around the world. There is an extensive administration involved in the appointment of professional staff as well as taking care of their requirements in terms of immunity, travel, security, litigation and so on. All in all, in terms of the number of personnel alone there could be about 11 judges, a Prosecutor and Deputy Prosecutor, 20 prosecutors, 20 investigators, a Registrar and Deputy Registrar, 30 administrative support staff, 40 security officers, four staff in the Victims and Witnesses Unit, a correction officer, 12 security officers in the detention facilities, 50 defence counsel and co-counsel and their legal assistants, and 50 defence investigators. That totals 340 personnel.[25]

All this requires phenomenal funding. Amnesty International notes the estimated budget of the court over three years as being US $114 million.[26] If the existing ad hoc tribunals are any-

thing to go by, the process will last at least 15 years.

In resolution 1315 the Security Council requested the Secretary-General of the United Nations for recommendations on:

> .... the amount of voluntary contributions, as appropriate, of funds, equipment and services to the special court, including through the offer of expert personnel that may be needed from States, intergovernmental organisations and non-governmental organisations.

It is really an extraordinary proposition that an international criminal tribunal might be dependent on voluntary funding, as opposed to assessed contributions from the member states of the United Nations.

This is likely to cause significant delays in the establishment of the Court, let alone the implications for pending proceedings in the future. The Secretary-General of the United Nations correctly observed that a "special court based on voluntary contributions would be neither viable nor sustainable".[27]

The Security Council has apparently remained intransigent on the point and has simply stated that the Court would not be established until the UN Secretariat has secured the funding for the first 12 months of operation and pledges for a further year.[28] It is difficult to see how the integrity of the process can be retained with individuals being held in custody for lengthy periods before being charged and indicted. Since any given case could last up to two years before coming to trial and as long as four years to its conclusion including the appeal from judgment and sentence, it is also foreseeable that inordinate delays may derive from the wait for funds.

Conclusion

Given the extent of atrocities committed in the conflict in Sierra Leone, one could well imagine the murmuring of discontentment at the UN's failure to take steps to ensure that Sierra Leone's nightmare was not followed by impunity. In the event, the government specifically requested a special court and significant steps have been taken towards its realisation.

There can be no doubt that this further contribution to international criminal justice will set the pace for the progressive realisation that international crimes will generally be punished. The model for Sierra Leone also promises to be a politically and jurisprudentially challenging experiment in transitional justice. On the other hand, if every serious conflict accompanied by gross human rights violations were to be followed by the establishment of an ad hoc tribunal the costs and commitment required by the international community would reach unmanageable proportions. This only serves to reiterate the urgency of establishing the permanent International Criminal Court.

One of the most serious difficulties associated with this particular court is the extent of the delay in punishing crimes that in some cases already go back four and half years. The proposed funding mechanism of the Special Court promises to double those initial delays and compound them in a perpetual uncertainty over the future of pending trials. It is reported that only 13 states were represented at a recent meeting at the UN Office of Legal Affairs to discuss the funding of the Court and apparently few firm commitments have so far been made.

Unless this problem is resolved soon in a viable, sustainable manner, the Court will be, at best, delayed justice and at worst an empty promise. ◔

> If every serious conflict accompanied by gross human rights violations were to be followed by an ad hoc tribunal the costs and commitment would reach unmanageable proportions

Notes & references

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2 Statute of the International Criminal Court, *Human Rights Law Journal*, vol 19, no 8-12, 1998, p 453.

3 Security Council Resolution 955 establishing the International Tribunal for Rwanda, *International Legal Materials*, vol 33, 1994, p 1598.

4 Report of the Secretary-General on the establishment of a Special Court for Sierra Leone, 4 October 2000, UN Doc S/2000/915

5 Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone, annex to the Report of the Secretary-General, *ibid,* Article 9.

6 *Ibid,* Article 2.

7 Statute of the Special Court for Sierra Leone, annexed to the Report of the Secretary-General, note 4 supra, Article 12.

8 *Ibid,* Article 1.

9 *Ibid,* Article 8.

10 *Ibid,* Article 9.

11 Statute of the Special Court for Sierra Leone, Article 14

12 *Ibid,* Article 19.

13 *Ibid,* Article 22

14 Statute of the International Criminal Court, Article 5.

15 Statute of the International Tribunal for the Former Yugoslavia, *International Legal Materials*, vol 32, 1993, p 1192.

16 Statute of the International Tribunal for Rwanda, *International Legal Materials*, vol 33, 1994, p 1598

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21 R Higgins, *Problems and Process, International Law and How We Use it,* Oxford: Clarendon Press, 1994, pp 56-65

22 According to Article 70(1)(b) of the Vienna Convention on the Law of Treaties of 1969, the termination of a treaty "does not affect any right, obligation or legal situation of the parties created through the execution of the treaty prior to its termination"

23 DF Orentlicher, 'Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime'. *Yale Law Journal*, vol 100, no 8, 1991, p 2537; cf M Scharf, 'The Letter of the Law: The Scope of the International Legal Obligation to Prosecute Human Rights Crimes', *Law and Contemporary Problems,* vol 59, no 4, 1996, p 41.

24 Statute of the Special Court for Sierra Leone, Article 7.

25 These figures are based on the preliminary estimates of the Secretary-General of the United Nations and the experience of the International Criminal Tribunals for Rwanda and the Former Yugoslavia

26 Amnesty International, 'Sierra Leone: the international community's resolve to end impunity must be strengthened', 24th April 2001, AI Index: AFR 51/003/2001, www.web.amnesty.org/web/news.nsf, 24 April 2001.

27 See Report of the Secretary-General, par 70.

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From Somalia to Sierra Leone to Sudan, the phenomenon of state collapse is increasingly prevalent on the African continent. In this paper, SALLY MATHEWS and HUSSEIN SOLOMON discuss what is meant by the state and state system as applied to Africa, before exploring the theoretical under-pinnings of state collapse. Finally, these concepts are discussed in relation to a specific case study – that of the Democratic Republic of Congo.

Facing up to the challenges:
President Joseph Kabila of the DRC
Photo AP/Bane Musau

The Challenges of State Collapse in Africa: The case of the Democratic Republic of·Congo·

Understanding the State System

What exactly is a state? According to Danziger, the state is "a territorially bound sovereign entity".[1] Expanding on such a definition, Ranney provides five requirements of statehood: a particular territory, a definite population, a government, formal independence or sovereignty, and a sense of national identity.[2] The state is supposed to have complete authority over a certain area and to be the ultimate source of law within its boundaries. It supposedly has absolute sovereignty and the rules made within the state are not supposed to be able to be overruled by any other body.[3]

Other scholars approach the concept of statehood slightly differently – arguing that a state is not only a sovereign territory, but must have both territorial and governmental legitimacy.[4] Given the dominance of Western liberalism, this is usually interpreted to mean that the citizens that the government should have been elected by the people through some constitutional mechanism.

The current state system in Africa is a relatively new phenomenon and a foreign import which has been grafted onto existing political and social systems.[5] Colonialism moulded Africa into a hybrid of the state system which had gradually developed in Europe. In a period of about 80 years, Africa was divided into a number of artificial states according to the preferences and whims of the colonialists, with little regard for the desires or needs of the inhabitants.[6]

This has meant that post-colonial African states often have borders which make no economic sense, and which result in several political and social problems.[7]

Despite the arbitrary nature of state boundaries in Africa, very few have changed since the end of colonialism. This is partly due to international pressure to maintain these boundaries. In addition, the Organisation of African Unity (OAU) decided in 1963 that the

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boundaries of the states in Africa should be left alone and subsequent to this has given little recognition or support to secessionists and other challengers of African states' boundaries.[8] Another factor protecting the boundaries of states in Africa has been African rulers' attitudes. Many African rulers have believed that in order to secure their own survival and prosperity, it is necessary to preserve the state over which they rule.[9]

The will of the people has also allowed for the maintenance of the boundaries of African states. While there have been secessionist movements in several African states, these movements have had little success with the only African state created through secession thus far being Eritrea, which seceded from Ethiopia in 1993.[10] Thus the borders of African states have been protected despite the dubious way in which they came into existence.

Understanding State Collapse

Before defining state collapse, a few cautionary observations should be made. It is important to note that while state collapse may appear to be an African phenomenon in contemporary political history, the problems experienced by African states today are by no means foreign to history.

The current form of statehood in the Western world evolved very slowly and early Western states were plagued by many of the problems experienced by African states today. Van Creveld notes that the Western system of government developed from being essentially personal to being a forerunner of the modern state over the years 1648 to 1789.[11]

During these years, bureaucratic structure, the definition of borders, the establishment of a monopoly over the use of violence, and the development of political theories to accompany and justify these changes, occurred. The development of the state in Europe involved lengthy wars and much conflict, and took many years. While the development of the African state can-

> **Many African rulers have believed that in order to secure their own survival and prosperity, it is necessary to preserve the state over which they rule**

not be expected to be identical to that of states in Europe and the rest of the world, an acknowledgement of the history of the state in other regions allows for an understanding of problems of statehood in Africa to be analysed as an unsurprising phenomenon, rather than as some kind of African aberration.

Given this context, certain characteristics of collapsed states can be identified. Collapsed states are those which no longer perform the functions expected of a state.[12] When a state collapses, the structure of authority, law and order within the state disintegrates.[13] Security is no longer guaranteed, there is no rule of law and public services decline or cease to exist.[14] In this sense, state collapse means more than mere political instability or a violent seizure of power.

The concept of a collapsed state is closely related to a number of similar concepts. Filatova refers to John Iliffe's concept of "state contraction" which involves the decay of basic social services and the economy and the failure of the state to maintain control over its territory.[15] Jackson speaks about quasi-states which he describes as states which are recognised internationally as sovereign states, but which lack many of the institutional features of other sovereign states.[16]

Their populations do not enjoy many of the advantages which Western thinkers associate with statehood, and their governments lack the will, authority or power to protect human rights and ensure the welfare of their citizens. Similarly, Reno discusses the "shadow state" where the various government institutions become nothing more than a facade behind which a form of personal rule operates in order to enrich the ruler(s) of the state.[17] And Clapham speaks of the "monopoly state" which has weak administrative structures, violent domestic opposition and a failing economy.[18] The leaders of the state do not acknowledge the

weakness of their positions, but rather use the machinery of the state to suppress or co-opt any opposition.

All these concepts have relevance for our understanding of the failed or collapsed state. It is necessary to recognise that there is a great variety of states in the world. These states range from those which are extremely cohesive to those which are highly disrupted.[19] The collapsed state can therefore be considered as an extreme along a continuum of cohesion and disruption. It is a state which is so disrupted that it risks no longer being accepted as a sovereign unit.

A Brief History of the Democratic Republic of Congo

Prior to colonialism, there was no political entity with the boundaries of the modern state of the Democratic Republic of Congo (DRC).[20] A number of different ethnic groups lived within the area which today comprises the DRC. These groups lived in small kingdoms and republics which had protected their citizens for centuries.[21] In the second half of the 19th century, Belgian colonialism encroached on this area, exploiting the area's rich natural resources. However, the 1950s saw increasing resistance to the colonial invasion of the country, leading in 1960 to the declaration of the independent Republic of Congo under the leadership of President Kasavubu.[22]

The transition to independence in the Congo was less smooth than many other transitions from colonialism to independence in Africa, with its territorial integrity being threatened right from the beginning.[23] Only five days after the declaration of independence, the armed forces of the Congo mutinied, and three months after independence, Col. Mobutu Sese Seko seized control of the Congo.

In 1961, power was restored to Kasavubu, but in 1965 Mobutu again seized power of the Congo, which he maintained until 1997 when Laurent Kabila declared himself president of the region and renamed it the Democratic Republic of Congo – which was the name used for the region before Mobutu named it Zaire.[24] Laurent Kabila remained in power until his recent assassination after which he was succeeded by his son, Joseph Kabila.

Mobutu Sese Seko's rule over Zaire is notorious and his kleptocratic style of rule is well-documented. Thomson refers to Zaire as "Mobutu's vampire state", describing how "self-interested extraction became both an art form and an end in itself".[25] Mobutu is described as a megalomaniac, who believed that only he could guarantee national cohesion.[26] Filatova describes Zaire as a "personally appropriated state", noting that during the 1980s Mobutu's wealth was estimated to be about the same sum as the whole national debt.[27] Bayart meanwhile, notes that Mobutu was rumoured to control between 17 and 22% of the national budget for his personal use.[28]

> During the 1980s Mobutu's wealth was estimated to be about the same sum as the whole national debt ... he was rumoured to control between 17 and 22% of the national budget for his own use

The replacement of Mobutu by Kabila, after a foreign-supported invasion, was initially welcomed by the international community. However, the three years of Kabila's rule were unstable and violent. There has been ongoing internal fighting between supporters of Kabila and supporters of the *Rassemblement congolais démocratique* (RCD) and the many attempts to resolve this crisis have thus far been fruitless.[29]

Several other African countries have been directly involved in the conflict in the Congo: Rwanda and Uganda have been heavily involved on the side of the RCD,[30] and Kabila's main supporters have been Angola and Zimbabwe, but Chad, the Republic of the Congo, Cameroon, Equatorial Guinea and Gabon have also been involved.[31] Attempts at negotiating some kind of settlement have thus far failed despite being led by prominent African leaders such as Nelson Mandela and Frederick Chiluba. On more than one occasion a cease-fire has been agreed upon, but subsequently violated.[32] However, the replacement of Laurent Kabila with Joseph Kabila has been seen by some as holding opportunities to speed up the peace process.[33]

The violence and instability currently plaguing the DRC are not new to that country. Secessionist rebellion and civil war occurred in the periods 1964-1965 and in 1977-1978.[34] The first occurrence was ended by the seizure of government by Mobutu and the second ended after French and African intervention.[35] The current crisis has been going on since 1996 and does not appear to be nearing an end.

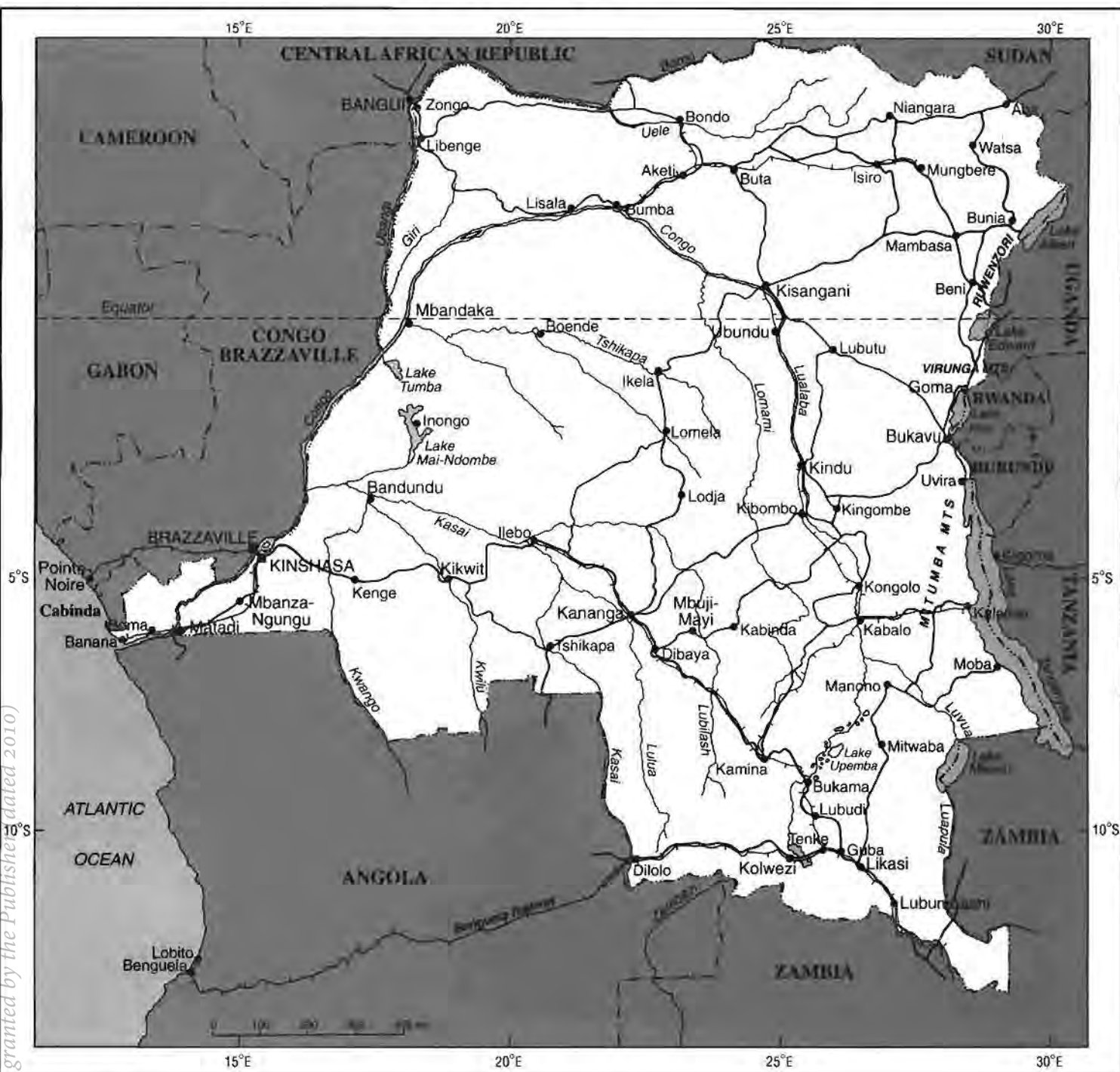### State Collapse and the Democratic Republic of Congo

Can the DRC be considered as an example of a collapsed state and, if so, when did it collapse? There is a great deal of disagreement amongst scholars on this issue, although most seem to recognise that if the DRC has not already collapsed it is certainly close to collapsing.

Zartman makes the interesting observation that the genesis of the independent state in the Congo was a result of state collapse.[36] He says that the Congo is unique in that its transition to independence occurred as a result of the collapse of the colonial state in 1960-1961. The collapse of the colonial state was not an ideal beginning for the independent Republic of Congo, and the first years of independence were fraught with instability and insecurity.

Mobutu's rule introduced some degree of certainty to the situation in the Congo, despite his exploitation of his position. But the end of Mobutu's rule came as a surprise to both the rebels and the internal opposition, with no one having a clear strategy of what to do once Mobutu was removed from the political stage.[37] This meant that neither the end of colonialism nor the end of Mobutu's 32-year rule occurred in a smooth, planned fashion. This is one of many reasons for the DRC's current instability.

Some view the end of Mobutu's regime as the collapse of the state in the Congo. According to McNulty, for instance, the departure of Mobutu marked the collapse of the Congolese state.[38] In this view, the gradual decay of state services, opposition of the population to Mobutu and external intervention led to this collapse.

DEMOCRATIC REPUBLIC OF CONGO

Map: Elize van As/AISA

However, McNulty notes that this collapse was the collapse of the Mobutist state of Zaire, not of the country as a whole which emerged as the Democratic Republic of Congo (DRC). The IISS, in turn, refers to the state in the Congo at the moment as "a fragmented state" with different armed groups and other types of authority controlling various regions.[39] Sindjoun describes the DRC as being characteristic of a collapsed state, but notes that not all analysts agree that the DRC is a collapsed state.[40]

It is possible to say that the Congolese state collapsed even before the departure of Mobutu. The state of Zaire under Mobutu had many of the characteristics of a collapsed state. For example, De Boeck notes that already in 1996 Zaire was "in an advanced state of political and administrative collapse...".[41]

Weiss adds a nuance, suggesting that Congolese society had collapsed before the end of Mobutu, but that the state had at that stage not yet collapsed. He quotes *Le Monde Diplo-*

matique, which reported that in Zaire "[t]he infrastructure, roads, means of communication have disappeared, the universities are closed, the hospitals have become mortuaries, the campaigns to fight the great epidemics are suspended".

Weiss comments that "[t]his is the portrait of a collapsed society". In spite of Weiss's distinction, the description given in *Le Monde Diplomatique* is in some ways similar to what other authors have referred to as a collapsed state.

But, Weiss maintains that in 1996 Zaire did not meet all the criteria for being considered a collapsed state although it was a society characterised by abuse of power and a complete lack of rule of law. He predicted that state collapse could be imminent in the Congo. It is likely that he would describe the current situation in the Congo as one of state collapse.[42]

Some later commentators view the post-Mobutist DRC as being on a path to state collapse or failure, rather than considering the departure of Mobutu as the collapse of the Congolese state. An example of this viewpoint is Mngqibisa, who discusses various measures that should be taken in order to prevent the DRC from becoming a failed state, thus implying that while the DRC has not yet collapsed, it is on the road to collapse and will collapse if no intervention takes place.[43]

It is clear that the DRC displays many of the characteristics of a collapsed state. It has erupted into open conflict while still being accepted as an independent unit internationally. Many of the functions commonly expected of a state are not performed by the DRC. Moreover, the Congolese government, now under the leadership of Joseph Kabila, does not have control over the whole territory, with the RCD controlling several towns.[44]

If states in the world can all be seen as fitting somewhere along a continuum of cohesion to disruption with state collapse as an extreme to the side of disruption, then the Congolese state has always been on the path to state collapse. Its boundaries were created by an external power and never really had the territorial legitimacy which Clapham refers to as one of the characteristics commonly accepted as being a requirement of a state.[45]

Prior to the artificial construction of the Belgian Congo, there was no single political unit in the area that is today called the DRC. There was no sense of national unity when the state was created, and Mobutu's attempts at nation-building and politi-

Congo Foreign Minister She Okitundu (right) and Eddy Boutmans, Cooperation Secretary of State of former colonial ruler Belgium, shake hands after signing an aid accord under the gaze of Congo President Joseph Kabila (right) and Belgian Prime Minister Guy Verhofstadt. In the background is a portrait of assassinated President Laurent Kabila, father of the present leader.

Photo: AP Photo/Blaise Musau

cal mobilisation did not significantly erode ethnic identification, leaving Zaire ethnically divided.[46] Today, 80% of the population live in rural areas and

appear to be largely unaffected by the state.[47] De Boeck suggests that many areas in Zaire were controlled by traditional leaders despite attempts by Mobutu to control these leaders.[48] Davidson takes this idea even further, suggesting that the state in Zaire never really existed except in the categories of political convention. He refers to the Zairean state as "a myth, a mere verbal usage, an idea without existential content" and says that outside of the

state's "coercions and corruptions the country was left to survive as it might".[49] This idea was also expressed in 1993 by a former US assistant secretary of state for Africa who stated, "To say that Zaire has a government today would be a gross exaggeration. A small group of military and civilian associates of President Mobutu ... control the city of Kinshasa ...[and] the Central Bank ... [but] there is no real government authority outside the capital city".[50] Without a government, there can be no state in accordance with generally accepted definitions of the state.

Zaire's very active informal economy indicates that the government had little control over the economy. When examining Zaire's formal economy it seemed impossible that anyone could survive in Zaire, however the informal economy allowed Zaireans to live. According to De Boeck, this "second economy" became the main economy.[51]

The government's lack of control over the economy was echoed by a lack of control over several other areas over which a state is generally understood to have control. It could be said that most of the people living in the area which has over the years been called the Congo Free State, the Belgian Congo, the Republic of Congo, Zaire or the Democratic Republic of Congo carry on their day-to-day lives with little assistance or interference by the government.

This is not to imply that there is anarchy and the absence of any form of governance or organised economic activity in the Democratic Republic of Congo. Traditional structures of governance are still in place with many areas of the DRC having been controlled by traditional leaders throughout the existence of a Congolese state.

The "second economy" functions efficiently allowing Congolese to survive and even prosper despite the economic problems faced by their country. Congolese people engage in petty trade and the importing and transportation of goods. Informal traditional credit clubs function to provide finances for these informal businesses.[52] While the state disintegrated, traditional and informal practices of governance and economics allow life in the Congo to continue.

Thus it is almost unnecessary to refer to the "collapse" of the state of the DRC, seeing as there was very little

state to collapse. It may be more accurate to say that the DRC has always lacked cohesion and never performed a number of the tasks expected of a state, and that the situation in the DRC has recently deteriorated further resulting in the DRC being what most political analysts would refer to as a collapsed state.

What caused the state to finally collapse? An examination of the state of Zaire reveals that the Congolese state has for many years not fulfilled the basic functions expected of a state. The un-African nature of the nation state in Africa, the legacy of colonialism and the tyranny of leaders have been identified as possible causal factors in the phenomenon of state collapse in Africa. But Zaire survived for many years, despite being a state formed as a result of colonialism and despite its tyrannical ruler. Why did Mobutu lose control over his Zaire in 1997 after maintaining control over this quasi-state for so many years?

There are two dominant factors which could be considered as reasons why the Congolese state finally collapsed in 1997 after so many years of teetering on the brink of collapse. Firstly, the changes in the international arena that occurred as a result of the end of the Cold War led to diminished control of the state for Mobutu.

Mobutu was assisted by Western powers in his take-over of the state in 1965, and was helped by European states and especially the US throughout his rule. The end of the Cold War, however, meant that African states declined in strategic importance. And Mobutu could only hold onto power for a limited amount of time once he had been deserted by his Western allies.[53]

Another factor leading to the collapse of Zaire was regional instability. Although state collapse is an intra-state phenomenon, regional factors may play an important role in the collapse of a state. This was certainly true for the DRC. The Great Lakes region showed considerable instability during the last decade. This instability served to exacerbate the situation in the DRC

> The Congolese state has for many years not fulfilled the basic functions expected of a state.

and ultimately to hasten its collapse.

The Rwandan refugee crisis, for instance, played an important role in the defeat of Mobutu. There had been tensions in South Kivu in Eastern Zaire for many years. This region is situated along the border between the Congolese state and Rwanda. A number of ethnic Tutsis living in the region were involved in disputes about their entitlement to Zairean nationality. The instability in this region was worsened by the conflict in Rwanda and Burundi. More than 1.5 million Hutu refugees fled to Zaire in 1994.[54]

This situation was viewed as a security threat by Rwanda and Uganda, who subsequently became involved in the conflict in the DRC. Rwandan and Ugandan troops supported the *Alliance des forces démocratiques pour la liberation du Congo-Zaire* (AFDL) led by Laurent Kabila in order to overthrow Mobutu's regime. It was their support which made Kabila's assumption of power in the Congo possible.

Angola also gave its support to Kabila as a result of long-standing tensions between the MPLA government and Mobutu.[55] Mobutu had assisted in the destabilisation of the MPLA government on several occasions and as a result the Angolan president, Dos Santos, supported Kabila and hoped that the defeat of Mobutu would result in a more secure northern border for Angola. Thus regional security concerns played an important role in the collapse of the Congolese state.

Subsequent to Laurent Kabila's assumption of power, regional support for him and for his opponents underwent some dramatic changes. Tensions developed between Kabila and his Rwandan and Ugandan allies when Kabila insisted that Rwandan and Ugandan members of the armed forces should leave the country.[56]

Uganda and Rwanda realised that they could not have the influence they desired over the internal affairs of the Congo and so they began providing support to the rebel group operating as the *Rassemblement congolais démocratique* (RCD).[57] Currently, the RCD is supported mainly by Rwanda and

Uganda, while Kabila has support from Zimbabwe, Angola and Namibia. The situation is further complicated by the fact that the RCD has since split into two factions and by the fact that Rwanda and Uganda have turned on each other. In addition, there are other opposition groups which also play a role in the conflict.

While the collapse of Zaire can be attributed to regional instability and changes in the international arena, Mobutu's tyranny and the response of the Congolese people to his tyranny, made Zaire susceptible to collapse. Internal resistance to the government of Mobutu contributed to the instability of his regime. Such resistance was reflected by the activities of civil society groups such as churches and school groups.

Churches in Zaire periodically came into conflict with Mobutu's government.[58] Churches were involved in protests against Mobutu's "authenticity" programme and the nationalisation of religious school networks, and were also active in calling for government reforms during the 1990s. Congolese students were one of the most vocal opponents of Mobutu, with student groups being involved in strikes and demonstrations against Mobutu's regime. The actions of civil society in Zaire contributed to the destabilisation of Mobutu's regime, making the collapse of the Congolese state more likely. The state, which had been disrupted for many years and which had been destabilised by internal resistance to Mobutu's tyranny, finally toppled when confronted with regional instability and changes in the international system.

Beyond State Collapse in Africa

What is clear from the preceding is that the mere changing of the guard – the replacement of Mobutu or Laurent Kabila in Kinshasa – has not fundamentally altered the current status quo in the DRC. Neither can a mere transfer of political power halt the unfolding

human tragedy in this strife-torn country. More fundamental changes need to take place. Amongst academics, two schools of thought have now emerged on what exactly could be done in situations of state collapse such as the DRC.

The first and more radical school of thought is led by Jeffrey Herbst who argues that in state collapse lie the seeds of a new form of international society. Thus he argues:

A far more revolutionary approach would be for at least parts of Africa to be re-ordered around some organisation other than the sovereign state. While such reforms would be a dramatic change in international society, their adoption would be an important acknowledgement of what is actually happening in parts of Africa where many states do not exercise sovereign authority over their territories.[59]

Herbst is not the only writer to feel that the state system is inappropriate for Africa and that a solution to the problem of the African state lies in its deconstruction rather than reconstruction. Bayart refers to Badie and Birnbaum who concluded that the state in Africa is an imported product and does not serve the African people the way the European state serves its inhabitants.[60] Davidson describes the nation state in Africa as a curse or a shackle and asserts that the nation state in Africa does not liberate and protect its citizens, but that it is constrictive and exploitative.[61] He predicts the future erosion of national boundaries both in Africa and the rest of the world. According to these perspectives, state collapse paves the way for something new, rather than being a perplexing dilemma which must be overcome.

Whilst on the one level, this is quite an appealing argument where one renames a problem as something positive, there are several inherent flaws in

this upbeat response to state collapse. First, contemporary global space is currently divided into 185 sovereign states. On what basis, does one say that statehood is fine for the rest of the world but not for this or the other state?

Second, Herbst talks of "some organisation" replacing the state. What form does this organisation take? After all, the collapse of the Somali state did not enhance the human security of its citizens. Moreover, current developments in the Horn of Africa are seeing the reconstruction of the Somali state.

Thirdly, the decline of the contemporary state system on the African continent is seeing a concomitant rise of a variety of ethnic and religious fundamentalist movements. These developments point to the balkanisation of Africa into a myriad mini-states. This would undermine any prospect of an African Renaissance in a world of increasing globalisation and regionalisation as is vividly illustrated with the European Union.

The second school of thought, which is far less radical and possibly more realistic, is that which argues for the reconstruction of the state in Africa. Obviously such reconstruction can only occur in a post-conflict phase and would include:

- the training of competent human resources to staff both the public and the private sectors;
- economic development assistance from the building of infrastructure to developing competencies in agriculture to mining and manufacturing;
- the creation of a vibrant civil society;
- the creation of plural identities, "we" replacing the "us" and "them" identities of the past which could do much to create a common national identity especially in ethnically and religiously divided societies;
- in promoting good governance, this would need to be fused with a distinctly African ethos so that state structures are not alien to the citizens they serve.

The relevance of the above suggestions to the situation in the DRC is evident. The training of role-players in the private and public sectors is vital.

> A far more revolutionary approach would be for at least parts of Africa to be re-ordered around some organisation other than the sovereign state

Analysts of state collapse have commented on the importance of leaders in rebuilding a collapsed state. Zartman suggests that while power structures in a collapsed state should be reconstituted from the bottom up, this means "that some temporary but effective agent at the top is needed".[62]

Such leaders need to be identified and trained so that they can play a capable role in rebuilding the state. In addition to training leaders, other influential role-players in both the public and private sector need to be trained to be able to participate in the reconstruction of the DRC.

Economic development assistance is also important in the context of the DRC. The DRC has wonderful natural resources and an entrepreneurial spirit which is currently being utilised in the DRC's "second economy".

These positive factors can be strengthened through development assistance in order to facilitate the recovery of the DRC's economy.

A vibrant civil society is seen as vital in the contemporary state. The DRC already has some history of civil society activity, and these civil society organisations can be strengthened in order to play an important role in a future Congolese state.

The creation of a national identity is necessary if the DRC is to be reconstructed within its present boundaries. While Mobutu attempted to do this through his Zairianisation policies and the mobilisation of the Zairean population through the activities of the *Mouvement populaire de la révolution* (MPR), ethnic stereotyping in Zaire still remains rife.[63]

A clearer national identity will have to be forged if the Congolese state is to be reconstituted.

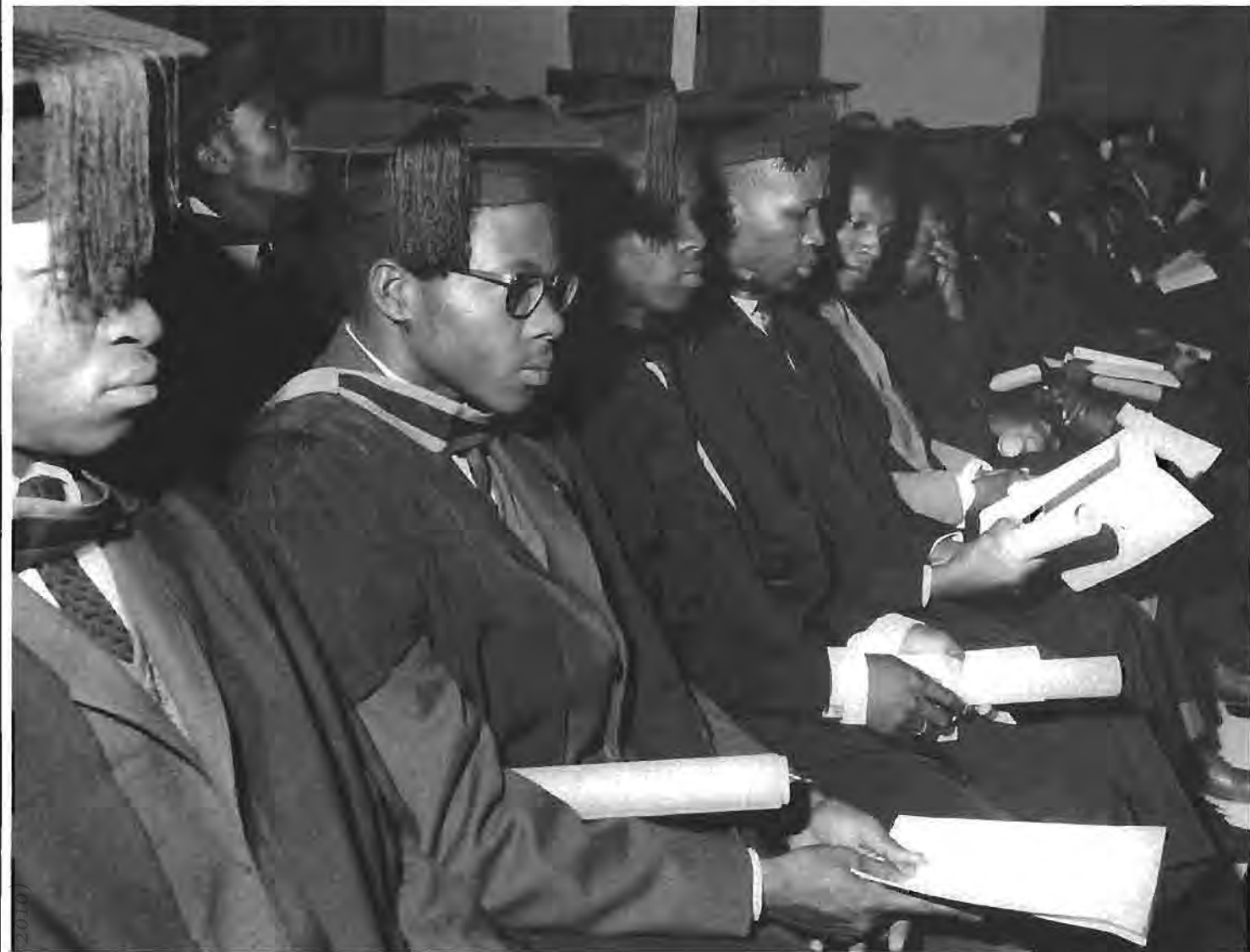When speaking about the promotion of good governance in African states, it is important to emphasise that good governance must be developed within the context of African society. In the DRC, due consideration must be given to Congolese traditions to allow the Congolese people to identify with their government. Yoder suggests that an examination of traditional Congolese political philosophy is necessary to consolidate a government in the DRC.[64]

Positive elements of the political heritage of the Congolese people should be adopted in order to form and sustain a responsible, although not necessarily democratic, government.

Although the steps described above will not be easy to implement and would need the sustained and active engagement of all local actors as well as regional and international ones; if this is not done the concept of an African Renaissance will remain but a chimera. ☻

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African Intellectuals and the African Crisis

BY HERBERT W. VILAKAZI

A frica is in the midst of a severe crisis. The most apparent and disturbing manifestation of this crisis in our continent is the failure of development. I want to argue that the leading element in this crisis, in all African countries, is the "subjective factor" among the African people, particularly the "subjective factor" among the elites and governing strata of African societies. Thabo Mbeki, in a

speech in the South African Parliament while he was still Deputy President, stressed that "the subjective factor" is a leading element in the list of priorities of what needs to happen to bring about "reconciliation and nation building" in South Africa.

We African intellectuals are wrong in blaming individual African leaders for failing to move Africa forward, when we ourselves have not done our duty, namely, to formulate, debate, and publicise a compelling, Africa-centred

development paradigm, which these leaders can use to move the continent forward. This is the fundamental cause of the failure of development in Africa, and therefore of the crisis in Africa.

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African leaders have been deciding on policy options within the wrong development paradigm.

The development paradigm used by African leaders, from independence up to our time, was formulated outside Africa, to develop other civilisations and countries, and was in most cases brought to bear on African development policies by foreign experts and the major powers.

Intellectuals of each country, of each civilisation, must conceptualise and formulate an appropriate development paradigm, adapting the insights and ideas of thinkers of other civilisations and countries to the specific material conditions, cultural heritage and needs, of their own civilisation and country. Lenin recognised this fact even in the case of Marxism:

> We do not regard Marx's theory as something completed and inviolable; on the contrary, we are convinced that it has only laid the foundation stone of the science which socialists must develop in all directions if they wish to keep pace with life. We think that an independent elaboration of Marx's theory is especially essential for Russian socialists; for the theory provides only general guiding principles, which, in particular, are applied in England differently than in France, in France differently than in Germany, and in Germany differently than in Russia.[1]

The same logic and principle applies to all paradigms, including the capitalist development paradigm. No civilisation can rescue itself, and move itself forward, using a development paradigm conceived, formulated, and developed by another civilisation, or by intellectuals of another civilisation. The West conceived, formulated, and developed its own paradigm, the capitalist development paradigm; the former Soviet Union had its own paradigm, the Stalinist-Marxist development paradigm, which was overthrown, along with the Soviet Union, in 1990.

These development paradigms were conceived and formulated by intellectuals. Of course, intellectuals did not conceive and formulate these paradigms out of nothing. The outlines of these paradigms were suggested by pre-existing concrete reality and tendencies already observable in embryo at varying stages of maturation.

Let us consider, briefly, both the capitalist development paradigm, and the Stalinist-Marxist development paradigm. The capitalist development paradigm was formulated by Western intellectuals, from Adam Smith, to classical political economists, to the neo-classical school, to the Central European school, to Keynes and neo-Keynesian economists, to Milton Friedman and the Chicago School; as well as by political philosophers of Liberalism, working parallel with the various schools of economics mentioned above.

We must add to this list various economists at the World Bank, International Monetary Fund, and the United States Treasury, who have been instrumental in suggesting and enforcing a capitalist development paradigm for developing countries and former "socialist" States. We must stress that modifications in the paradigm were made at different stages of the historical development of capitalism, which did not, however, alter the fundamental outlines of the paradigm.

In contrast, the shape of the Stalinist-Marxist development paradigm was influenced, first, by the very brief and thin sketch of the socialist revolution and of socialist society which was provided by Marx and Engels; but, secondly, and much more profoundly and decisively, it was shaped by the peculiar historical circumstances and conditions of Russia in the first four decades of the 20th century.

Classical Marxism was a critique of the totality of capitalist society, beginning with the capitalist economy. It was never meant, initially, to be a formula for the development and industrialisation of society; it was an analysis and critique of a society already advanced in development and industrialisation. It was quite fitting that only after finishing the first volume of *Capital* did Marx give some thought to the question of the development paradigm after the socialist revolution in a developed society: he drew a very elementary and incomplete sketch of such

a paradigm in the *Critique of the Gotha Programme*.

It was on the terrain of the Russian Revolution, and of underdevelopment of Russian society, that a break in the tradition of classical Marxism occurred: Russian Marxists, having conquered power, encountered the urgent need to formulate a development paradigm for an underdeveloped society. This was the first such challenge ever encountered by Marxism.

After Lenin's death, the defeat of Trotsky, the rise of Stalin to leadership and consequent Stalinist totalitarianism, intellectual production took place under conditions of the severest repression. Free and creative thought on all aspects of society disappeared from society:

> Under Stalin, economics did indeed move backwards. It became mere quotation-mongering and dogmatism; it lost any connection with real life and statistics, and in fact declined into mere apologetics and propaganda. It had lost its true meaning as the guideline for socialist development.[2]

The economic policies which emerged under these circumstances were incorrectly accepted by the entire world to be the sum and substance of the "socialist" development paradigm. At the heart of this paradigm is the abolition of the "market" and of "free enterprise", the inevitable consequence of which becomes the installation of "administrative" fiat (Stalinist planning) as the normal guide and determinant of the flow of the economy during the transition from underdevelopment to developed status.

This is far from being a sketch of the socialist development paradigm which was drawn by the early leaders of the Soviet state, Lenin and Trotsky. After some serious thought and experience of the new regime, they reached the conclusion that an underdeveloped country, with a revolutionary government, and surrounded by capitalist states, would be compelled to have a

> Classical Marxism was a critique of the totality of capitalist society, beginning with the capitalist economy

mixed economy. The New Economic Policy (NEP), adopted in 1921, was such a long-term interim paradigm, which would be watched over closely by the revolutionary state. The lesson from the Russian experience was that it is impossible for an underdeveloped country to make a "direct transition to socialism"; that, in Lenin's words, the transition would have to be in "a roundabout way", through the revolutionary state utilising capitalist methods to reach the aims of the working class and peasantry: "But it will take a whole historical epoch to get the entire population into the work of the co-operatives through NEP".[3]

In Lenin and Trotsky's view, the market was an important medium of operation of not only the capitalist component of the mixed economy, but also of the "socialist" component, during the transition from capitalism to socialism. As early as 1922, Trotsky recommended this policy:

> Before each enterprise can function as a component cell of the socialist organism, we shall have to engage in large-scale transitional activities of operating the economy through the market over a period of many years. And in the course of this transitional epoch each enterprise and each set of enterprises must to a greater or lesser degree orient itself independently in the market and test itself through the market. This is precisely the gist of the New Economic Policy; while politically it has meant that concessions to the peasantry have taken the limelight, it is of no lesser importance as an unavoidable stage in the development of state-owned industry during the transition from capitalist to socialist economy.[4]

I would argue that neither the Western Capitalist Development Paradigm nor the Stalinist-Marxist Development Paradigm is inappropriate for the urgent development needs of Africa. The fundamental reason for the inappropriateness of these paradigms is their failure to assign a major role for rural people or the peasantry, in the decision-making processes aimed at the construction of the new Africa.

The starting-point of the Western capitalist development path was the transformation of the rural economy, and of rural social relations; this led, ultimately, to the elimination of natural economy and of the traditional European peasantry; market relations emerged as a dominant factor in the countryside, linked to industry and manufacture in urban areas. In Rosa Luxemburg's words, "In England, the new mode of production was introduced by a revolution in agriculture."[5]

The important point, then, is that a pre-requisite for the rise of capitalism in the West was, first, the uprooting of traditional rural economic relations, particularly the destruction of communal land relationships, within which European peasants had lived their lives hitherto. This economic, social-cultural revolution in the countryside laid the foundation for the subsequent economic, social-cultural revolution in the society as a whole. This large-scale dispossession, or "expropriation" of the European peasantry constituted the foundation of the emergence of the capitalist economy as a new world economic system.

In Africa, this starting-point in the capitalist development of the West, this crucial starting-point in the creation of modern Western society, has not occurred in even a single country. The capitalism which came to Africa with European colonialism was not a capitalism which came to transform African society root, stock, and branch, beginning in the African countryside, and laying the foundation for subsequent capitalist development in society as a whole; rather, it was identified with the bodies of whites, and therefore was confined to the specific areas of white settlements.

In Africa, there has been no socio-economic revolution in the countryside which has transformed rural African society into capitalist farming areas. Communal land tenure, in general, still prevails, except in white-dominated rural Africa. The rural African economy has not been transformed into a mainly commodity-producing economy, which is the road to the successful rise of capitalism. There has been no trans-formation of rural African land tenure systems to facilitate the emergence of a fully-fledged capitalist economy.

Capitalism in Africa has been European capitalism implanted on those areas which were settled by Europeans or by other non-Africans. In the Western capitalist paradigm, the peasantry hardly appears; it has no weight or power as a possible determinant of the direction society may take; in this paradigm, the peasantry belongs more to history, than to the present or future. The reason the capitalist paradigm, as a conceptual tool, has negligible space for the peasantry is rooted in real world events themselves: the starting point of the development of capitalism in Western Europe was the destruction of the traditional peasantry. The essence of this process was the violent end put to communal property, land dispossession, and displacement of peasants.

The effect of this holocaust was trauma, affecting not only the peasantry, but all of society, and a vacuum in the culture and spiritual life of modern civilisation. The devaluation of the past, of history, which has been diagnosed as a serious malady in Western civilisation, is the result of the vacuum caused by the failure to absorb and integrate peasant culture and tradition in modern Western culture.

The paradigm of Classical Marxism, as formulated by Marx and Engels, was also in agreement with the capitalist paradigm with regard to the negligible weight and role of the peasantry as basis and influence in the creation of the new society. In the famous Manifesto, they wrote: "The bourgeoisie has subjected the country to the rule of the towns. It has created enormous cities, has greatly increased the urban population as compared with the rural, and has thus rescued a considerable part of the population from the idiocy of rural life."[6]

Marx and Engels identified the key actors in the great historical drama of the new age as the bourgeoisie and the

> In Africa, there has been no socio-economic revolution in the countryside which has transformed rural African society into capitalist farming areas

working class. Of course, they were merely reflecting and noting the truth of what the emergence of European capitalism had done to the peasantry. To their credit, however, we must say that the most moving, unforgettable pages in their works are about the destruction of the peasantry by rising capitalism.

As Marxism moved to the East, it encountered the awesome presence of the traditional peasantry, in Russia as well as China. The biggest problem encountered by the Bolsheviks, as leaders of the Russian Revolution, was the problem of the traditional peasantry. Furthermore, the root cause of the degeneration of the Russian Revolution to Stalinism, and of the degeneration of the paradigm of Classical Marxism to the Stalinist-Marxist paradigm, was the failure of the Party leadership to creatively incorporate the weight and role of the traditional peasantry in the construction of the new society: "the peasantry was the overwhelming majority of society, and, by and large, they lived their lives within the revived traditional commune, the basis of which was communal land".[7]

Ironically, from a different starting point, with a different aim, Stalin initiated the same process of destruction of the peasantry, as happened in Western Europe.

Stalin decided to destroy the traditional peasant community, the peasant commune; he decided on a policy to expropriate peasant communal land. The consequence was chaos and irrationality, and Weber's "iron cage"!

The failure to deal adequately with the peasantry, and the problem of agriculture, consequent upon that failure, remained the basis of the weakness of the Soviet economy until the collapse of the Soviet Union.

Thus, the fundamental reason for the inappropriateness of both the Western Capitalist Development Paradigm, and the Stalinist-Marxist Development Paradigm for contemporary African development needs, is the failure of both paradigms to assign rural people, or the peasantry, significant space, and a major role in the decision-making processes in the construction of the new Africa.

The social class foundation of African social structure requires a different developmental path altogether.

A Call for an African Agricultural Revolution

The first priority for Africa is the initiating of an Agricultural Revolution. In our eagerness to modernise, develop, and industrialise the African economy, we forget that the Industrial Revolution in the West was preceded by an Agricultural Revolution. Let us be clear about the fact that the creation of an industrial society in Africa requires, as a pre-requisite, the initiation of an Agricultural Revolution.

I must emphasise that this is not just another item on the agenda of what needs to be done, or another item on the agenda of what shall be done: this is a top priority project, which will have the most far-reaching consequences for economic, cultural, political, and social development in the entire continent, and in every country.

Since independence, African leaders have adopted a development strategy which has neglected agriculture and rural development, in favour of industrial projects. The focus on agriculture has been the misplaced one of developing the production of cash crops for export, instead of focusing, first, upon developing the capacity for food production for domestic needs. The terrible result has been a food crisis in many parts of Africa.

Domestic food production for domestic needs has declined in most African countries; these countries find themselves dependent upon food imports; and food prices have risen steeply, making it extremely difficult for ordinary African people to afford food. As a consequence, traditional African diet systems have been disrupted, and gross imbalances and insufficiencies in food intake have occurred. This has had terrible results for the health of the masses of African people. The immune system of African bodies, which was built up over centuries, has been disrupted or adversely affected, in many cases, opening channels for the infection of these bodies by a host of new and terrible diseases, including AIDS. We are talking here about a dire threat to the lives of tens and hundreds of millions of human beings.

The well-known economist, Samir Amin, has stated the development problem of Africa thus: "The ultimate reason for the failure of 'development', more striking in this region than in any other, is that Africa has not begun its agricultural revolution, without which any development is unimaginable".[8] The issue of the African Agricultural Revolution, and accompanying rural development, should be priority number one for all Africans and African governments.

The other crucial policy imperative for African economic and social development, directly linked to the Agricultural Revolution, is that development planning in Africa should be from the countryside to the cities. This is not to say that urban areas should be neglected. All I am saying is that at least 50% of investment funds should be earmarked for rural development. The major source of the crisis in African cities is the failure of development in the countryside.

At the beginning of the 20th century, the great African-American scholar and pioneer of Pan Africanism, WEB Du Bois, wrote that the problem of the 20th century is the problem of the colour line. I would like to paraphrase that, and say that the great problem of the 21st century, particularly in Africa, is the problem of the relationship between the City and the Countryside.

The greatest anomaly in Africa is the discontinuity between the African village, the basic cell of African society, on one hand, and the African city, the new Western education, the modern African State and modern African politics, on the other hand. To move Africa forward, we must restructure the relationship between the African village, on one hand, and the modern African city, school curriculum, social life, state and politics, on the other hand. We must aim at designing and producing a synthesis of the precious gifts of the African villages, on one hand, and the gifts of the modern city and of other civilisations in our midst, on the other hand.

> The creation of an industrial society in Africa requires, as a pre-requisite, the initiation of an Agricultural Revolution

The crisis of poverty in the rural areas is forcing millions of Africans to move to towns and cities. These cities and towns do not have the appropriate infrastructure of housing, schools, hospitals, and employment, to absorb these millions of people. Terrible squatter-shacks emerge, as well as crime, diseases, and all sorts of social pathologies. Modern businesses flee the inner cities, to suburbs. The tax-base of municipal councils and city governments suffers. A fiscal crisis of government emerges, which results in very much diminished funding for social services.

Therefore, the first cure for the sick African economy is the elimination of the underdevelopment of the masses of African people in rural and semi-rural areas. The current African economic crisis arises out of our failure as Africans to start with first things first, the failure to start with rural development and concentrated steps to initiate an African Agricultural Revolution.

African cities and towns are, in general, collapsing, and public institutions are under severe economic strain, because the African countryside has brought its crisis to the African city. The breakdown of the African family, the breakdown of African moral codes, the collapsing public health and education institutions, and of law and order – all these terrible crises issue out of our wrong developmental policy.

The experience of China should be giving us much food for thought. We are told that the major forward thrust in the development of the Chinese economy, in the 1980s and 1990s, was provided by the development of the rural economy of China, in which there were so many striking innovations.

It is unquestionable that the rural reform is playing a leading role in China's economic reform as a whole. There are many manifestations of this, and in a word, it is the growth leader of the new market economy system. This is by no means an accidental case, but has profound social and economic causes.[9]

I must stress that every major turning point in the revolutionary transformation of China, from 1949 up to our time, began in the countryside. The reason is simple: "About 80 percent of China's population of 1.2 billion is located in the countryside. Without rural development there can be no prosperity for the farmers, and no development and prosperity for China as a whole."[10]

In the African continent approximately the same proportion of the population as in China lives in the countryside. Even in South Africa, no less than 70% of the African population lives in rural areas. The neglect by the African state of that vast majority of African people living in rural areas is the source of the crisis of the African economy, including the crisis of our economy.

The improper functioning of the sector of our economy consisting of rural African communities is now the Achilles Heel of every African economy. In this sector of society, 60-70% of the total national population is not contributing wealth, goods, skills, or knowledge to the national economy. This large rural-based population is not a vibrant powerful market for the goods and services of the other sectors of the national economy. This sector has a huge debit relation to the rest of the national economy. It does not contribute economic power and skills and wealth to the rest of the national economy. It largely contributes problems.

A crippling weakness of the current established economics in our country is the invisibility in it of the masses of African people. This economics does not recognise the masses of African people as the massive engine of our economy. Fashionable discussion of our economic crisis gives the impression that the driving engine of the economy is foreign investment; and that this missing foreign investment is the root cause of our economic crisis. This is wrong. The focus should be on the masses of African people, the overwhelming majority of the population of society.

> The current economics in our country ... does not recognise the masses of African people as the massive engine of our economy

A fundamental cause of the sickness of our economy is the low buying power and low consumer demand of the masses of African people, the majority of our society, most of whom can be found in the rural and semi-rural areas. In fact, the basic flaw in our economy, the heritage of white supremacy of over a century, is that the masses of Africans are not properly and securely integrated within the commodity sector of the economy.

We thus need to develop a new economics, which will reflect the economic experiences of the bulk of the African population. The current economic paradigm, existing in the minds of consultants and educated specialists trained on the basis of the western industrial experience, is based on the economic experiences of western industrial society. The existing industrial and commercial sector of the economy is not the growth engine, or the driving engine of the economy of Africa today. Rather, the growth engine of the economy is (1) the productive capacity of the masses, and (2) their buying or purchasing power.

This should be the starting-point of discussion of our economic problems, not the lack of investments. The issue of investments is important, but, in the hierarchy of priorities and problems, it comes after the problem of lack of productive capacity and low buying power. I would argue that the low buying power and low consumer demand, and the lack of productive capacity of the masses of African people is now the heavy drag that is pulling down the performance of the economy of the entire continent. This economy cannot move forward, without the elimination of the underdevelopment of the masses of African people. Progress can only come from the modernisation and industrialisation of the underdeveloped African communities in rural and semi-rural areas.

This is the most difficult part of the challenge before us: we need a total revolution in our approach to our fundamental problems. What then should be done?

The starting-point of the problem of life in the African rural community is inadequate and insufficient food, the lack of "food security". The first challenge, then, is to put in place a development policy which aims at increasing the capacity of every rural household to

produce sufficient food. A start can be made, in most cases, with the "land question" The land on which most rural Africans live, and depend for survival, is non-productive land. A public campaign needs to be started about this new economic policy, which should involve and touch almost all the people. This cause should receive the same high profile attention which the liberation movements wanted to win for the liberation struggle.

Our leaders must champion this campaign, travel around the rural areas, and give top priority to this programme and policy. The first step is a series of educational visits to the African rural areas, by the entire Cabinet and government of each country and of each province.

Moreover, we need to plan and schedule visits by urban people to the rural areas, to see for themselves the poverty and debilitating underdevelopment of rural people. This is a necessary awakening, education and moral empowerment of urban people – especially of our legislators, civil servants, and government leaders; and also of our urban youth, trade union members, and ordinary urbanites.

Teams of rural/agricultural extension service workers must be trained and sent out to every village, to teach household people, women, men, and youth, how to use their land and resources productively. Rural development, and agriculture, must be restored and given high profile and importance in the schools, and in adult education facilities in the countryside.

This policy should be two-pronged:

- One wing should aim at helping every household to increase its capacity in food production
- The other wing of the programme should be aimed at helping those households with a developed capacity to become commercial farmers – keeping in mind that such people and households shall be a minority in any village.

This, of course, requires substantial budgets, but not as much as the budgets needed for urban development. All over Africa, such a programme would require government backing and financial support, as well as the support of corporations, as part of their social responsibility programmes; it would also require funding and assis-

tance from foundations, NGOs, the World Bank, IMF, the UN, OAU, and the EU, as well as funding from bilateral government agreements. It is primarily public policy investments which will achieve this task, in a way similar to the New Deal public investments which were initiated by President Roosevelt in the 1930s in the USA.

The important point is that this will inject hope and inspiration into the minds and spirit of the masses of people, and will create a sense of purpose for millions. This will encourage many people now located in cities and towns to return to rural areas.

In turn, a focus on rural people, and on rural areas, will benefit the urban economy, simply because the monies that go into the pockets of rural people are used by them to buy goods and services produced in urban areas.

Therefore, development in rural areas, among rural people, can become a stimulant to the urban economy, and add dynamism to the entire economy. This contributes towards increasing the purchasing power and consumer demand of the masses of African people.

Developing the huge proportion of our people currently in rural and semi-rural areas means, in effect, creating a wider and bigger market for goods and services than currently exists. This is important because a major barrier to foreign investments is the limited size of the domestic market in our countries, largely because of poverty. This can have enormous spin-off effects in the entire economy, both nationally and internationally, and could form the basis for the solution of the economic crisis of our continent.

A Cultural Revolution

In South Africa, specifically, we cannot address the fundamental problems before us without a comprehensive cultural revolution in the country.

The most difficult challenge to the urban – to Whites, Indians, and Coloureds, and to educated Africans – is to change their mind-set, which is largely Western, and to be willing to go to ordinary African people in rural and semi-rural areas, and to learn from these ordinary African people the principles and patterns of African civilisation.

Language is the most crucial entry point into any culture and civilisation.

Thus, for Whites, Indians, and Coloureds, the first challenge is to learn African languages. This can only be done genuinely from within African communities. This would constitute a true cultural revolution in the country.

Let me remind you that the first generation of Africans who became Europeanised, or Westernised, also experienced a cultural revolution, but one which caused serious disturbances and conflicts in their emotions, minds, and souls. This cruel revolution set them in conflict with their past, with their present in their relations with their relatives, and in conflict with the African community which was still part of African civilisation.

This revolution created new epithets and swear-words, and cruel humour at the expense of that category of the African people now considered "buffoons". I, myself, still recall tragic scenes of some of my school-mates, outside Vryheid, who suffered a deep sense of shame, or ran away, or broke into hysterical tears, as they saw their traditionally-clad, un-Westernised parents entering the school-yard.

We now need to undergo another cultural revolution, this time going back to our people, to the African people we stayed away from, going back to learn what African civilisation is, from those African people we looked at, and laughed at, with contempt.

The Structure of the State

The last, but no less important point, concerns the state in Africa. The modern state is an invention of the modern West, similar to an automobile, or to Coca-Cola. What are the components of this invention?

- It is urban; the core of its existence is in the city, and it ends up being run by urban people. The reason is that the mode arose in Western society which was increasingly and dominantly becoming urban. This model is ill-suited for a society which is still predominantly rural.
- This model, in general, has contempt for rural people, especially for rural culture, and for peasant traditions. I need to stress the social class issue here. This model has no room, no respect, no willingness to accommodate peasants within it, except as it pleases urban people. To understand this content of the mode, you must

keep in mind that the model arose within a Western capitalist civilisation in which peasants were being absorbed by industrialisation to the point where they were becoming an insignificant minority in society.

• The machine was constructed to have specific departments (even if they are not needed), with a bureaucracy.

The important point to stress here is that the African state has not grown organically out of the social body of African society, but is an implant from outside Africa. In Africa, India, China, and most of the Third World, peasants, or small-scale food producers, form the overwhelming majority of societies. Therefore, strictly speaking, the class composition, and class foundation, of the state should reflect that class composition.

Both the Western Capitalist Development Model, and the Marxist Developmental Model, had no space for the peasantry, because of the assumption that industrialisation was destined to absorb the peasantry out of all existence as a serious social class in politics and public life.

Both models had space for the bourgeoisie and for the proletariat, and later on, the new middle classes were added. However, the peasantry has not disappeared in the Third World, especially in Africa.

Marxist revolutionaries, even in countries in which peasants were the vast majorities, and the proletariat tiny minorities, gave the leadership role of the new society, and of Communist Parties, to the industrial working class or to the proletariat. This does not fit the needs of Africa, India, China, and the rest of the Third World, where peasants and small-scale food produc-

ers still form the overwhelming majority of society.

This has been the Achilles Heel of the programme of Marxist revolutionaries in Russia, China, and all subsequent radical revolutions, up to our time: they failed to realise that the new radical revolution in Africa, Asia, India, Russia, must make space for the participation of rural people and rural culture in state institutions.

In all these revolutionary regimes, in Africa, China, and the rest of the Third World, and in Russia during Lenin and Trotsky's rule, and during Stalin's rule, peasants and peasant traditions were not given any space in the leadership committees and chambers of the new revolutionary state.

It is interesting that Lenin did advance, in 1905-07, the concept and slogan of the "Dictatorship of the Proletariat and the Peasantry". Mao also, in 1940, advanced the concept and policy of "New Democracy", in which the various oppressed classes of China would exercise rule in the new China.

However, when it came to actual practice, the effective participation of the peasantry in the new People's Government was forgotten. Such structures of governments, therefore, are founded upon a fundamental violation of democracy, the exclusion of the vast majority of the people of society from participation in government structures.

To have a situation in which a government of an overwhelmingly rural country is in the hands solely of urban people is nothing but a recipe for disaster and enormous policy errors. Nay, it is more than that: it is a gross violation of the principle of democracy, for it lacks proportional representation of the social class composition of society in the organs of the state.

The values, morality, and points of view of peasants and rural, pre-industrial people must become a factor in government policy through the actual, respected, participation of rural people and their rural representatives in all the committees and organs and levels of the modern African state.

All public issues, including the issue of forms of property (private, public, co-operative, etc.), should be democratically discussed and decided upon by all the population sectors of society, particularly the countryside and urban sectors, with no sector represented as a token. The rule should be equal participation, and equal respect, of all sectors, in proportion to the weight they bear in society.
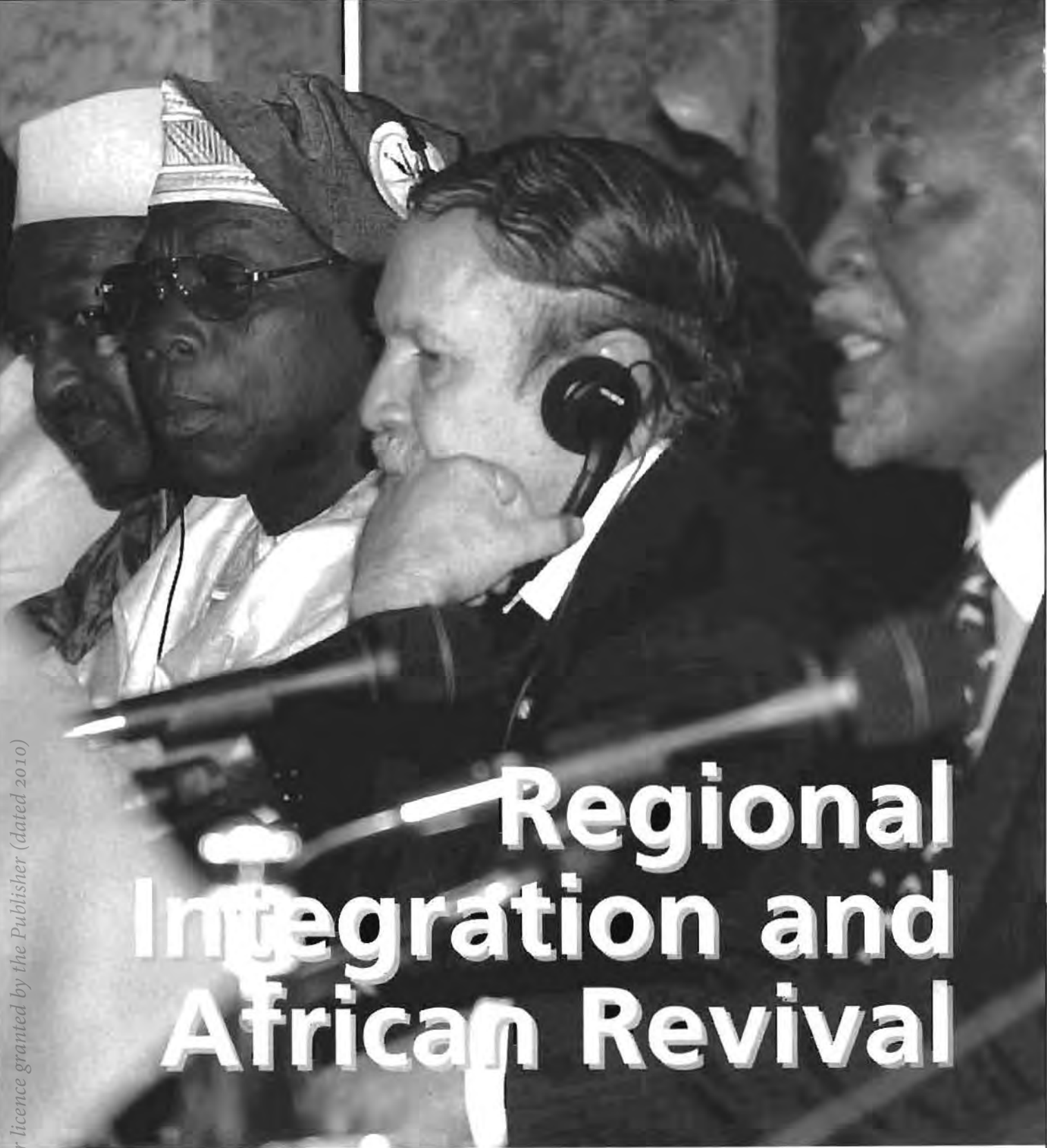
For Africa, India, China, and other Third World countries, the problem of the 21st century is the problem of the relationship between the people of the city and the people of the countryside. What we must struggle against with all our might, if we are to avoid disaster, is the heavy urban bias in public policy.

A massive challenge faces us in the spread of modern democracy in Africa, India, China, and the rest of the Third World, i.e. the inclusion of the peasantry and rural people in general, in modern democracy. We must go way beyond spreading the right to vote to rural areas: rural people must be included as equal participants in the committees and chambers and institutions of government.

The failure to go beyond allowing peasants the right to vote, explains why all African governments, since the end of colonialism, have neglected rural development and agriculture, in favour of industrial or urban projects. Yet the crisis of the African economy, in our time, issues out of the failure of rural development and African agriculture. ☉

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Regional Integration and African Revival

If not underpinned by a strong regional base, any Pan-African revival plan has but a limited chance of success.[1] This hypothesis could easily be dismissed on the grounds that regional integration in Africa has not lived up to expectations and is anything but a success story. However, what the critics of regionalism should concede is that the lack of success of the regional experiment, in Southern Africa particularly, is not the fault of the concept, but rather an indictment against short-sighted politicians and incompetent bureaucrats who have never given it a chance to work properly, writes GERRIT OLIVIER

Hopefully, the drawing up of MAP and the concept of the African Renaissance will lead to the "rediscovery" of the regional solution and a more dynamic implementation of the concept. Indeed, amongst all the plans and schemes proffered over the last 40 years to "save" Africa, it holds out the best promise of success. If correctly implemented, regional integration and MAP could become a two-edged sword of modernisation and development in Africa.

Authentic regional integration should be seen as an essential prerequisite for the success of grand schemes like MAP. In any case, as borne out by historical and empirical evidence, the goals of modernisation and development are more easily attainable in core areas with compatible cultural and value systems than in more complex and diverse areas.

Therefore, a sensible and practical approach should be to pursue regional integration in Africa with the same enthusiasm, energy and attention as is currently being given to MAP and the African renaissance.

Moreover, regional bureaucracies with relevant experience already exist quite extensively, and it makes sense to reinforce and empower these structures to achieve the range of goals that would facilitate and reinforce the MAP concept. A wrong strategy in this regard could prove fatal.

It is easy to forget just how unqualified was the optimism about African development that reigned in the early 1960's, just as the formal decolonisation of Africa was being completed. Ten newly independent African countries were among the eighteen UN delegations that persuaded the General Assembly to declare the goal of the UN Development Decade to be 'the attainment in each less developed country of a substantial increase in the rate of growth ...taking as a minimum 5 percent at the end of the decade'. For the Second Development Decade [1970-1980], the target was raised was raised to 6 percent, and in both decades, ambitious targets for industrialisation were also set. These targets were far higher than the historical achievement of most of the industrialised countries... The results of the two 'development decades' in Africa have certainly belied this optimism.[2]

At first sight, concepts like the African Renaissance and MAP, because of their mythical quality and easy appeal to African pride, brotherhood, solidarity and aspirations, might appear to be a more immediately rewarding agenda to political leaders than the more complicated policies of national reconstruction and regional engineering. The political insecurity in so many African states does not really encourage leaders to pursue policies that are not sufficiently charismatic or immediately rewarding. Hopefully, however, President Thabo Mbeki and the co-authors of these grand plans will not fall into the trap of populism or be influenced by the sirens of quick fixes as so many of their predecessors did in the past. The time is too short and the problems too pressing for African politicians to chase after yet more false hopes and mirages.

What is also important to bear in mind is that while concepts such as MAP and the African Renaissance enjoy high acceptance in South Africa, Nigeria and a handful of other African states, many governments are openly jealous or suspicious and regard these schemes as manifestations of the South African and Nigerian "quest for hegemony" in Africa.

The "regionalisation" of the African renewal plan should largely reduce these suspicions, as more states become more directly involved in leading the quest for African revival. But then, of course, regionalism should be given a better chance than was the case in the past.

The regional reform that is called for is no easy task, and for this reason might be neglected by policy makers. In this article, using the European Union experience as a benchmark where applicable, the problems and challenges of regionalism, particularly in the context of the Southern African Development Community, will be further analysed and explained.

The Regional Imperative

Africa's deep-seated belief in unity, geographic realities, economic interdependence, and cultural and political background, renders integration an almost natural policy choice, and the most sensible way to deal with the challenges of security and welfare.

This is the main reason why regional organisations have sprung up on the African continent since decolonisation. Since then, the governments of Southern Africa have all been strong supporters of regionalism in one form or another; to belong to one or even more regional organisations has been a central foreign policy aim of these governments. However, in spite of the proliferation of regional organisations, the effectiveness of regional integration in Africa has remained disappointing. Indeed, not one of the many regional organisations in the continent has yet lived up to expectations.

Prominent among these under-performers is the Southern African Development Community (SADC). As South African President Thabo Mbeki has lamented, as a regional body, SADC is "way behind" the Economic Community of West African States (ECOWAS) and Mercosur.[3] In turn, even the latter two are "way behind" the European Union (EU), the most advanced regional entity in the world.

Necessary Conditions for Regional Integration

Because of the supremacy of the statist paradigm in international relations, authentic political integration is an extremely complicated and difficult political exercise to embark upon. Success is therefore limited. Even in the context of the EU, progress towards federalism remains very slow because of member states' reluctance to relinquish their sovereignty in favour of a supra-national body.

However, while Europe succeeded in finding a unique regional policy mix that ensures ever-deepening integration, progress in the SADC configuration varies from lateral to static. This leaves the impression that Southern African states are not yet ready to accept the full implications of regional integration. This, at least, is the inevitable conclusion one comes to when the theory and practice of

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regional integration are juxtaposed in the African context.

Regional integration manifests in two broad main categories: amalgamated or pluralistic. Ernst B Haas defines the first type as "the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities towards a new centre, whose institutions possess or demand jurisdiction over the pre-existing national states".[4]

This definition requires the amalgamation of states and the transfer of loyalty and obedience from the national state to intergovernmental agencies or overarching supra national institutions. Typical of this type of integration was the amalgamation of the original 13 colonies into the present United States of America and the formation of the Swiss Federation. However, in recent history, with the exception of the re-unification of East and West Germany, efforts towards regional amalgamation have mostly ended in failure. Even the EU still falls far short of the ideal, being basically an intergovernmental arrangement rather than a supra national one.

The second main form of regional integration, referred to by Karl W Deutsch as the "pluralistic security community", is easier to establish than the amalgamated version, and is for this reason also the more popular method of integration.[5]

The essential conditions for the success of this type of community are, according to Deutsch:

- the compatibility of major values relevant to political decision-making;
- the capacity of participating governments to respond to each other's needs or behaviour;
- using only peaceful means to settle disputes;
- mutual predictability of behaviour of regional participants.

These conditions, summarised by Deutsch as "a perpetual dynamic process of mutual attention, communication, perception of needs, and responsiveness in the process of decision-making", are still largely absent from the Southern African regional configuration.[6] Major values are incompatible because not all members are fully democratic; violence is still a

method used by several SADC members to settle disputes; and the behaviour of the SADC members is not predictable.

African Unity and Europeanism as Regional Dynamos

Although these discrepancies constitute major stumbling blocks in the way of successful regional integration in Southern Africa, its potential to develop towards this goal remains unquestionable. While political cohesion is still lacking and the level of regional institutionalisation remains low, prevailing geographical, economic, and cultural conditions constitute an empirical basis for the development of a natural region in Southern Africa.

This potential could perhaps be best illustrated by comparing the Southern African situation with the European experience. Between the Peace of Westphalia (1648) and World War II (1939), conditions for interstate integration in Europe were notably worse than in present-day Southern Africa. The biggest, bloodiest and most frequent wars in history were fought among European nations.

However, over the centuries, Europe came to be described by its historians, philosophers and lawyers as "one great republic", with a common adherence to the same moral and intellectual values.

After the war and the deep existential crisis it created, this moral and intellectual cohesion, also referred to as "Europeanism", guided the European nations towards a new future.

The core group of nations discarded the old rigidly nationalistic political paradigm in favour of a complicated mixture of federalism, functionalism and statism, under an overarching commitment to Europeanism, which finally led to unparalleled peace, progress, and plenty.

Pan-Africanism reflects a similar cohesion, but while perennial internal conflicts finally drove European nations towards a solution, Pan-Africanism, initially at least, was induced by outside forces. According to Vincent Bakpetu Thompson, Pan-Africanism "reflects the endeavour of Africans to establish some bulwark against the inroads which persons of European origin made on their lives".[7]

In the end Africa liberated itself from slavery, colonialism, and racism,

but after liberation, many African societies have become their own worst enemies as military dictatorships, single party authoritarianism, political instability, and economic decay set in. Regional resistance against apartheid also precipitated closer cohesion in Southern Africa with the formation of SADC. However, after the demise of apartheid, SADC lost its interest in rooting out political and economic malpractices in the region.

Although the pre-election foreign policy of the African National Congress – South Africa's ruling party – emphasised international moral rectitude, South Africa's membership of SADC has made no difference to the latter's unwillingness to oppose human rights abuses in member states.

Indeed, with apartheid out of the way, moral issues in the African context have been firmly categorised as matters of domestic jurisdiction and therefore out of bounds as far as SADC is concerned.

In contrast, therefore, to Europe's successful utilisation of the concept of Europeanism as a basis on which to build a new order of things, Africa, for its part, has yet to succeed in utilising overarching African values and loyalties, as manifested in Pan Africanism or African Unity, to overcome its manifold problems.

African Renaissance and Good Governance

Once African states have mastered the art of associating together under the banner of a common, universally recognised, moral and intellectual framework, their spiral of misery will be reversed. Then, and only then, will the African renaissance and African recovery become a distinct possibility, as any hope for a new order in Africa will remain almost nil in the absence of democracy, a broad-based civic culture, and a dynamic modernisation process. After the demise of apartheid, the democratically elected South African government was in an ideal position to promote these values in the broader African context.

However, instead of providing the leadership towards this end, South Africa, especially during Mbeki's early period as president, started to behave like the rest as issues of political ethics and morality became secondary to maintaining amicable bilateral rela-

REGIONAL ECONOMIC GROUPINGS

ECOWAS AND UDEAC/CEMAC

Communauté économique et monétaire de l'Afrique centrale (CEMAC)

Economic Community of West African States (ECOWAS)

	CEMAC*	ECOWAS**
Founding date	1999	1975
Member states	6	15
Population (2000)	31 m	240 m
Area (km²)	3 m	5 m

* CEMAC replaced the *Union douanière et économique de l'Afrique centrale (UDEAC)*, founded in 1966.
** Benin, Burkina, Côte d'Ivoire, Guinea-Bissau, Mali, Niger, Senegal and Togo also belong to the *Union économique et monétaire ouest-africaine (UEMOA)*, formerly UMOA.

UAM AND COMESA

Union of the Maghreb (UAM)

Common Market for Eastern and Southern Africa (COMESA) ratified in December 1994 (formerly Preferential Trade Area for Eastern and Southern Africa, founded in 1981)

	UAM	COMESA*
Founding date	1989	1981/1994
Member states	5	20
Population (2000)	78 m	350 m
Area (km²)	7 m	12 m

* Not to be confused with the Community of Sahelo-Saharan states (COMESSA).

SADC

Southern African Development Community (SADC), formerly the Southern African Development Coordinating Conference (SADCC)

	SADC
Founding date	1980/1993
Member states	14
Population (2000)	200 m
Area (km²)	9,3 m

SACU, CMA AND IOC

Indian Ocean Commission (IOC)

Southern African Customs Union (SACU)

R Common Monetary Area (CMA). Currencies linked with SA Rand

	SACU	CMA	IOC
Founding date	1910/1969	1974	1982
Member states	5	4	5
Population (2000)	50 m	48.5 m	18 m
Area (km²)	2,7 m	2,1 m	594 000

Updated October 2001

tions, even with dictatorships and gross abusers of basic human rights.

Recent indications are, however, that Pretoria can no longer ignore the impact of the ever-worsening political and economic decline in many African states exacerbated by the new international realities of the post-Cold War era and globalisation. Pretoria is also aware of the changing mood among Africans in the entire sub-continent.

African people are becoming less tolerant of poor leadership, bad economic and political policies, and enduring hardship, deprivation and marginalisation. Leadership, coupled with reform and delivery, is necessary to contain and direct these new emerging forces. It is, therefore, encouraging to see that the imperative of establishing a new political and economic order in Africa now stands out as Mbeki's most important foreign policy concern. His promotion of the ideal of an African renaissance was a first step in this direction. So far, unfortunately, the impact of this rather vague and largely symbolic concept has been far greater in South Africa than in the rest of Africa where it matters most.

The African renaissance has recently been augmented by a less amorphous MAP, jointly sponsored by South Africa, Nigeria and Algeria, and with the input of Senegal and other states. The authors of MAP admit that it would be impossible to "engage in meaningful economic activity without peace, security and stability, and democratic governance".[8] As such it signifies a clear departure from the notion, still supported by many African leaders, that factors external to Africa lie at the root of all evil in Africa. Foreign involvement is an important dimension of the new doctrine, but on the basis of reciprocity and partnership.

Although external factors prevalent in the North/South divide and globalisation do impact negatively on Africa's progress, it is perennial domestic instability in many African states that causes many of the continent's problems and reinforces the international stereotype of Africa as a "hopeless continent".[9] This is a picture of Africa which South Africa cannot live with, hence Mbeki's concern and pre-occupation with African renewal. His vision is that the causes and effects of Africa's ailments must be addressed in Africa and by Africans.

Although he is careful not to join United Nations Secretary-General Kofi Annan in imploring African leaders not to place all blame for their ills on extraneous factors such as colonialism, his new views confirm that in the absence of a culture of good governance, rapid development and modernisation, tolerance, and peaceful co-existence, all other efforts will be of little avail. These problems, according to the "Mbeki Doctrine" must be addressed both collectively and individually by African states under the lodestar of good government and a pan-African moral and democratic ethos.

Such a unifying ethos was instrumental in liberating the states of Western Europe from a culture of conflict and war. African states should follow the same road to liberate themselves from the recurring cycle of political instability, economic decay and poverty. But the question is whether a policy with the broad sweep as envisaged by MAP, could succeed equally everywhere in a vast, diverse, and problematic continent such as Africa. If it does, it may take a long time, too long to bring any relief to the suffering masses of the continent.

It is for this reason that smaller scale, targeted and step-by-step actions are necessary to serve as stepping stones towards realising the more comprehensive pan-African ideal. Regional organisations such as SADC, COMESA and ECOWAS are in a pivotal position to play an intermediary role towards a continent-wide revival.

National Sovereignty: The last refuge of the scoundrel state?

Although these regional organisations could serve as ideal building blocks for the African renaissance, the immediate problem is that the majority have not moved beyond the phase of rudimentary geographical trade configurations. Their reform and empowerment should, therefore, be part of the drive to bring about a Pan-African revival.

The most common obstacle in the way of more meaningful regional integration, not only in Africa, but also elsewhere, is the enduring strength of the modern nation state. Governments all over the world are loath to cede even a part of their national sovereignty to supra-national authorities. In European Union, the sovereignty issue remains the most important impedi-

ment to the formation of what Churchill referred to as a "United States of Europe".

Elite resistance against supra nationalism could be circumvented by a patient and conservative step-by-step strategy. The European Coal and Steel Community (ECSC), the historical starting point of the EU, fell far short of Churchill's ideal, but this was the only practical way to initiate action towards deeper integration. Since the establishment of the ECSC, apart from short periods of "euroschlerosis" in between, European integration was characterised by a dynamic process of functional and institutional innovation and continuous self-correction.

SADC, in contrast, has remained functionally static since its inception. Contrary to the European situation where the imperfections of the status quo are continuously questioned and debated by practitioners and theoreticians alike, the local debate about the role and utility of SADC is sporadic and mostly superficial. Moreover, most regional governments accept the status quo as final. Some structural adaptations do take place from time to time, but they are of little practical consequence while the functional mandate of SADC remains as limited as it is.

This head-in-the-sand attitude on the part of most member-states with regard to the imperfections of the regional status quo goes hand in hand with a dearth of fresh and original thinking on regionalism as a locomotive of positive change in Southern Africa.

It is not surprising, therefore, that SADC has degenerated into a state of virtual ossification. Of course, as we have seen in the case of Europe and other regional experiments, miracles cannot be expected. However, without continuous intellectual fermentation, revision and reform, the present SADC configuration holds out little hope for the gradual emergence of a new and more effective regional action programme.

As already pointed out, one of the principal reasons for the region's woes is irresponsible government by some members in the SADC fold. Domestic problems have the propensity to spill over national borders and to adversely affect the core national interests of neighbours – and the whole region suffers as a result. Even under a new dis-

pensation, as envisaged in MAP, the misbehaviour of individual states cannot be ruled out.

But how to deal with these states? The most propitious way seems to be collective intervention in prescribed cases. At the moment, intervention is well nigh impossible due to the over-emphasis of national sovereignty and the non-interference rule. Of course, it would be naive to suggest that SADC members should relinquish their sovereignty in favour of a supra national body. The region is far from ready to make such a radical paradigm shift.

At the same time, some regional understanding on the invocation of intervention is absolutely necessary, particularly when the interests of the region are directly at stake.

Hiding behind a rigid interpretation of the sovereignty principle in order to escape the consequences of bad domestic behaviour clearly seems to be at odds with the ideals expressed in MAP and the African renaissance. Moreover, viewed from a broader international perspective, sovereignty has increasingly become a relative phenomenon, i.e. relative to the importance of international co-operation for societal welfare and security, as well as for the promotion of transnational interests such as the protection of human rights and the environment.

If African states followed the same democratic and ethical norms and values, the sovereignty issue would not be as sacrosanct as it presently is. Indeed, in the contemporary international system, the traditionalist "Westphalian" paradigm and the modern "penetrable border" paradigm can exist side-by-side under given conditions. Democratic states generally respect the sovereignty of other states acting within the norms of the system. In other words, morally upright, law-abiding, and democratic states have nothing to fear from like-minded neighbours. Adherence to these values, and not sovereignty per se, offers the best guarantee for peaceful co-existence and prosperity anywhere in the world.

The staunchest propagandists of the sovereignty principle, and also the most paranoid about national jurisdiction, are usually those governments which show little or no respect for democracy, human rights and the rule of law.

According to current international law, sovereignty must give way to intervention in cases where issues have been internationalised.[10] Such issues include gross violations of human rights, threats to the peace and environmental damage. Recent examples of collective intervention in the domestic affairs of sovereign states include UN sanctions against the apartheid regime in South Africa, NATO's military intervention in Serbia, and EU diplomatic sanctions against Austria.

With the exception of the Lesotho intervention, SADC has rigorously adhered to the traditional non-interference dictum in spite of serious humanitarian offences and authoritarian malpractices in member states such as Zimbabwe, Angola, the DRC and Swaziland. A more meaningful future role for SADC presupposes a revision of the premise on which the latter attitude is founded. The contradiction between member states' overt support for regional integration and their refusal to relinquish one iota of their national sovereignty for the common regional good makes a mockery of the regional ideal. For regionalism and rigid, xenophobic statism to exist together is a contradiction in terms.

The prevailing African policy is that states are at liberty to run their domestic affairs the way they like because they are sovereign and independent.[11] As John Dludlu observes: "For years now the sacrosanct shield of national sovereignty has allowed ruthless dictators... to abuse their peoples' rights while the world watches helplessly. Cases where leaders who are democratically elected abuse their citizens' rights... presents proponents of good government with a legitimate dilemma: namely whether to intervene in the interest of human

> **The staunchest propagandists of the sovereignty principle are usually those governments which show little or no respect for democracy, human rights and the rule of law**

rights or leave it to the people to decide".[12]

Indeed, the OAU Charter contains various aspirational clauses on conflict resolution, the protection of human rights, social and economic development, but it also contains a clause proscribing interference in the domestic affairs of member states. Almost invariably, this clause is used as an excuse for not taking action to redress cases of severe human rights abuses, internal conflict, or mis-government. However, it seems that responsible states in Africa are becoming increasingly uncomfortable with the rigid application of the protection clause in the OAU charter.

Former South African President Nelson Mandela said at the 34th OAU summit at Ouagadougou that, "Africa has a right and a duty to intervene to root out tyranny... we [African leaders] must all accept that we cannot abuse the concept of national sovereignty to deny the rest of the continent the right and duty to intervene when, behind those sovereign boundaries, people are being slaughtered to protect tyranny". The "Mandela Doctrine" has already found resonance in the Constitutive Act of the African Union, adopted on 11 July 2000, which departs from the OAU on the sovereignty principle. Article 4 of this Act refers to "The right of Member States to request intervention from the Union in order to restore peace and security". The Union also reserves for itself the right to intervene "in a Member State pursuant to a decision of the Assembly in respect of grave circumstances namely: war crimes, genocide and crimes against humanity". The draft protocol of the Pan-African Parliament also provides for collective intervention, although such a notion may well be more symbolic than substantial. Be that as it may, these are encouraging signs.

SADC and South Africa's "National Interests"

A reformed and revitalised SADC could be an important vehicle for improving the present fate of the sub-continent's millions of inhabitants. One would like to believe, therefore, that SADC is an important segment of South Africa's Africa policy. At the same time, it difficult to see how such a revitalisation of SADC could be brought about without South African leadership. It has both

the power and the moral legitimacy to act as regional primus inter pares in such a regional reform initiative.

But while South Africa has its job cut out, it lacks diplomatic gravitas, prescience, and the intellectual and professional confidence to succeed. In spite of a "miracle" start in 1994, South Africa has been unable to develop and consolidate the style and quality of diplomacy required to translate domestic power into regional power and influence. Since 1994 Pretoria's will to lead from the front in the region has declined progressively, and so has its political and diplomatic clout. It is generally accepted that it would be imprudent for South Africa to act like a regional bully or hegemon.

But the country's diplomats have yet to learn how to translate the concept of a regional superpower into positive results. Fear of that image should not be used as an alibi for doing the absolute minimum. An array of diplomatic strategies and tactics are available; whatever methodology is chosen, one of the central aims of South African diplomacy should be to rally regional partnerships behind realistic, achievable regional and Pan African ideas and goals.

What stands out against the high saliency accorded to MAP and the African renaissance is a general unwillingness to transform SADC from a trudging trade regime into an authentic instrument of regional development and modernisation. The South African government is, moreover, not entirely comfortable with the role of SADC. Following Mbeki's critique that SADC was "way behind", Foreign Affairs Minister Nkosazana Dlamini-Zuma in February 2001 lamented that SADC was "limping along" [13]

However, while Pretoria is uncomfortable with the status quo, the majority of its regional partners seem more interested in using SADC as a showpiece for regional solidarity and a high-profile publicity platform. They support cosmetic efforts to reconstruct or rationalise SADC institutions, but not the empowerment of the organisation to play a more significant role in the political domain. For instance, Zimbabwe's president, Robert Mugabe, by postponing the rotating chairmanship, was to all intents and purposes allowed to turn the Organ for Defence, Security and Politics into his personal fiefdom.

What also causes concern is that in spite of SADC's dysfunctionalism in a sea of poverty, an elaborate bureaucracy is maintained in Gaborone at great cost. Numerous expensive conferences are held year after year, and endless reams of position papers and reports are churned out, with negligible results.

A sound policy would be to prioritise the transformation of SADC into a more effective instrument of regional integration that could synchronise better with the MAP scheme. Success is urgently needed to chance the mindset that Africa is a "hopeless continent", and also to assuage the masses who will not wait another ten or twenty years in the vain hope that the new grand designs will come to something.

What is to be done?

Looking for the best way forward, yet another look at the EU example could be instructive. Although the specific EU model of integration cannot be transplanted into African soil, there are certain situational similarities or benchmarks which could find local application. Europe too could not move forward towards lasting peace without turning to regional integration.

This was the only option they had to escape a long and miserable history of war and uncertainty. Africa has been through a similar pattern of conflict, poverty and decay since decolonisation. After two devastating world wars in the 20th century, the nations of Europe finally made the bold choice to find peace and prosperity by way of regional integration and reducing the sovereign decision making powers of governments.

Helped by the ideas of integration theorists like Robert Schuman, Jean Monnet, and Paul-Henri Spaak, and with the backing of Germany and France, Europe's strongest powers, an unpretentious start was made with the establishment of the European Coal and Steel Community in 1951. From there on, the process kept its momentum with milestones like the establishment of the European Economic Community, the Single European Market (1985), and the formation of the European Union and a European Monetary Union (1992).

In other words, no single or *a priori* model of integration or grand design was chosen. Pure pragmatism was the lodestar of European integration from

the very beginning. A limited, but strong core sector of states was formed which co-operated to establish successful integration projects, thus producing tangible results as well as the confidence and dynamism to bring the EU to where it stands today. An important part of the EU's success recipe was also to allow new members only on the basis of strict "conditionalities" like economic stability, fiscal discipline, respect for human rights, and adherence to democracy.

Although there were, and still are, sharp philosophical differences of opinion about the sovereignty issue, as well as the most optimal forms of integration, Europeans have unequivocally committed themselves to regional integration as the political paradigm of the future.

A similar commitment is absent in the SADC configuration. Moreover, free trade and development, the main objectives of SADC, apart from making very limited headway, are questionable indicators of political integration. According to one of the foremost integration theorists, Ernst B Haas:

Economic integration unaccompanied by the growth of central institutions and policies does not necessarily lead to political community since no pressure for the reformulation of expectations is exercised. Free trade, therefore, cannot be automatically equated with political integration; nor can interpenetration of national markets be so considered. If economic integration merely implied the removal of barriers to trade and fails to be accompanied by new centrally made fiscal, labour, welfare and investment measures, the relation between political integration is not established. ...It must be stressed, moreover, that the degree of 'success' achieved as measured purely by economic standards... is not necessarily an index of political success.[14]

It is clear, therefore, that if regional integration is to become one of the central pillars of MAP the present SADC model is inadequate. The salient question is how to move forward from here.

A rational and practical approach, albeit less spectacular and emotionally

less inspiring than the grander schemes, would be to embark on a two-track approach which distinguishes between progressive states and laggard states; between those that accept and practise the rules of good governance, democracy and respect for human rights and those that do not. The former should become the core group, and slowly expand to draw in peripheral states that meet pre-set standards.

At the same time, this regional regime of core states must be empowered to apply appropriate collective measures against deviant states that flout accepted values of good government and democratic behaviour. In other words, core states, because of their capabilities and example, should become the dynamo that activates and drives regional integration.

It was obviously a mistake to admit anarchic countries like the DRC and Angola to SADC in the first place. Moreover, the fact that they are SADC members has not contributed to the solution of their internal problems; rather, the DRC issue has led to deep divisions in the SADC fraternity while Zimbabwe's membership of SADC has made it virtually immune to collective regional action.

If SADC were to be divided into a core group and an outer group, it seems logical that the dividing line should fall between members of the South African Customs Union (SACU) and the rest. Zimbabwe, which is not a SACU member, also ought to qualify for the core group, but not while President Robert Mugabe is in charge.

If this concept of regional reform does not find enough support, an alternative would be for South Africa to narrow its attention to SACU as a regional core group. The pre-existence of trading blocs in Southern Africa should not be seen as an insurmountable problem, as these can be re-aligned. Supporting the view of "man-

ageable" regionalisation is the fact that one of the key reforms, the Cotonou Agreement between the ACP countries and the EU, was to embark upon a new regional focus to facilitate development, aid and trade.

In fact, new trade alignments are already taking place in the context of Comesa and SADC. Rationalisation is also necessary because of overlaps in regional integration groupings. For instance, the DRC, a member of SADC, has chosen the Economic Community of Central African States as the framework for receiving EU aid. Mauritius, apart from being a member of SADC is also a member of Comesa and the Indian Ocean Commission. Malawi seems to be seeking a change of status to receive aid benefits as a least-developed country rather being treated in the same context as other SADC members.

Such a rationalisation of regional alignment, using authentic regional integration as an instrument for African revival, offers a rare challenge to Pretoria's diplomatic entrepreneurship. Hopefully Mbeki's focus on African renewal will inspire and energise the development of a more relevant diplomatic style and methodology, especially in the context of regional integration.

A formidable stumbling block will be the resistance of the laggard states against what they would regard as second class membership of the region. Much depends, of course, on how regional renewal plans are packaged and marketed. The starting point should be to get like-minded, pro-reform African leaders and intellectuals on board and to move purposefully forward from there.

All modern or modernising societies usually have a threshold of tolerance beyond which the inappropriate old order must come to an end. New political forces take over and the ancien regime is replaced with something

new, although not necessarily an improvement. The defining moment of change is usually characterised by a societal catharsis precipitated by war, revolution, or some other form of catastrophe or disaster. Africa's present woes have not yet produced the type of catharsis that would introduce a new order.

Although African political culture is still largely in a premobilised authoritarian phase, there are signs that civil society in Africa is awakening from its long slumber. Moreover, at elite level, serious self-analysis and stocktaking is taking place.

These elites no doubt realise that the profound changes precipitated by the end of the Cold War and the unprecedented wave of globalisation will profoundly affect Africa's future as well as the general mood of the masses in Africa. Plans like MAP and the notion of an African Renaissance should be seen as a response to the new challenge.

The question is, however, whether these responses will be timeous and adequate – and the answer at present seems to be in the negative. Although it is impossible to predict how much longer Africans will suffer the status quo, new and additional measures, particularly at the domestic and regional levels, are necessary to demonstrate immediate success.

Otherwise, there is the real danger that social turmoil will take the initiative away from the present ruling class. As far as South Africa is concerned, the constant decline of the stability and prosperity of the SADC region, rather than the fate of areas much further away, is of immediate national importance.

A sound strategy of the highest priority would, therefore, be to stabilise regional politics and to get the regional economy to grow at a more adequate rate. A reformed SADC could be the ideal vehicle for this purpose. ✪

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Fighting Africa's poverty and ignorance through clinical legal education

BY PHILIP IYA

Most of our fellow citizens are poor. They are without proper housing, health care and schools. Many are without jobs. Even those who have them earn too little to support themselves and their families. Poverty is inimical to democracy… There is no shame in admitting there is poverty, and unjust distribution of wealth and the granting of honours amongst us. The real shame is and will continue to be our failure to take steps to put an end to both poverty and substantial inequality.[1]

The serious concerns of poverty, ignorance and their consequences are constantly cited as serious challenges which African society must address to attain sustainable social development.[2] The bulk of Africans are poor and educationally ill-equipped to effectively participate in and meet the demands of social growth so desperately needed in the continent.

The question then is: What have governments, international organisations, NGOs and other institutions done to address the challenges of Africa's poverty and ignorance? Have universities risen to this important challenge? What needs to be done that has not been done?

African Universities and the Community

One of the many criticisms levelled against universities in Africa relates to their role in social transformation. For a long time, there have been concerns in developing countries as to how universities can contribute to meeting the needs of ordinary citizens in their search for a better life.

In the 1960s, when the process of decolonisation was sweeping through Africa, terms like "the Ivory Tower" or "the Highest Seat of Learning" were closely associated with the universities. Indeed, a university like Makerere was situated on top of one of the highest of the seven hills of Kampala, while the University of Dar es Salaam is built miles out of town, distant from and out of reach of the ordinary citizen.

Not only the community but even the newly independent governments began to question the role of universities in the process of social transformation that began to sweep across the continent in subsequent years. How were the expectations emerging from these new social demands for improving the lives of the ordinary citizen to be met by the universities?

In developing countries, universities established after independence adopted three fundamental functions:

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- producing middle and high level manpower with skills to manage the economy and government;
- conducting research into problems of development;
- providing a focus for national, political and cultural activities.[3]

This debate on mechanisms for alleviating and eradicating Africa's most deadly enemies, poverty and ignorance, cannot ignore the contribution of legal education. The question still is: in what way has legal education contributed to a better life for all? A quick survey of law schools in Africa points to their commitment to community outreach programmes. At the University of Fort Hare in South Africa, for example, the Mission Statement of the Faculty of Law states that through its outreach programme, the faculty encourages awareness and respect for citizens' rights and responsibilities, and provides legal advice and representation. In addition, the statement directs the faculty to associate with the community to which it owes a responsibility of contributing to its welfare and developmental process.[4]

Similar missions can be found in Uganda where the law faculty of Makerere University states as its objectives:

- To provide university students and members of the public with the quality and quantity of legal knowledge and service required;
- To preserve and foster the traditional role of a university in propagating knowledge.[5]

Understanding Clinical Legal Education in African Law Schools

Various sources have dealt at length with issues relating to the nature, genesis and fundamental characteristics of what is today generally referred to as clinical legal education.[6] For the present discussion, only a few important points will be highlighted to understand the position generally in Africa.

Although authors differ in their definition of "clinical legal education", a term originally associated with US law schools, terms commonly used in Africa include "professional training", "practical training" and more recently "skills training or development". In a narrow sense, programmes dealing with such training focus on lawyer-

client work by law students under supervision, usually for credit towards a law degree. They aim at equipping law students with the necessary skills to function as lawyers and to help with their emotional development.[7]

In the United States, where clinical education was first introduced, it was associated with the medical school and involved students employing their skills on actual patients. The advantages of this system were adopted by law schools in the late 19th century. The result was the emergence of a system of clinical legal education which not only served the educational needs of law students in terms of practical training but also the social needs of indigent persons.

The argument for clinical legal education was that in preparation for legal practice, classroom lectures were insufficient in providing practical skills. Law schools in Africa also subsequently acknowledged this by introducing clinical programmes as part of their system of legal education. During the 1960s, such programmes were implemented in West Africa (Ghana, Nigeria), East Africa (Uganda, Kenya) and Southern Africa (the BOLESWA countries of Botswana, Lesotho and Swaziland). In South Africa, at the time of the first international conference on legal aid in July 1983, there were only a few university legal aid clinics in the country: at the University of the Witwatersrand, University of Cape Town and Rand Afrikaans University. Thereafter there was a proliferation of legal aid clinics with the result that by 1992, 16 of the 21 law schools in South Africa had legal aid clinics.[8]

Implications for Legal Services and Access to Justice

In developing countries, where there are vast economic and social differences between rich and poor and where the majority of the population are ignorant of their legal rights and do not have access to proper legal services, clinical legal education has come to play a wider role. Clinical programmes in Africa have come to encompass additional activities such as disseminating legal information with the emphasis on teaching human rights, producing simplified legal materials, training paralegals, and so on. The motivation for such activities is that law students can play a valuable role in

assisting the poor and ignorant members of society by satisfying their needs for access to justice through community service programmes, while at the same time acquiring professional skills and values.[9]

In this endeavour, law schools liaise closely with organisations outside the universities. The remarkable growth in the number of bodies carrying out legal services in the past ten years is due to a variety of factors. At the local level, individuals concerned with various forms of injustice have adopted a critical and practical approach to addressing perceived injustices and have been a driving force in the establishment of organisations providing legal services. Also of significance has been the influence of organised bodies such as lawyers' associations, non-governmental organisations and churches, with specific programmes that impact on access to justice and provide legal services for rural and other disadvantaged communities. The role of international donor agencies in providing financial support to such organisations has also been significant.[10]

The question, however, is to what extent law schools are committed to working with these organisations in promoting access to justice and eradicating poverty and ignorance. Given the mission of some law schools, what programmes have they designed to achieve such noble objectives? Any discussion on clinical legal education in Africa should not ignore this broader responsibility to disadvantaged communities.

Sharing Experiences

Legal educators have now recognised the educational value of clinical programmes, since they have broader aims for legal education beyond its academic component. The result is that by exposing students to clinical work, lawyering skills and values are acquired and developed in a real-life atmosphere.[11] In addition, legal educators have come to realise that the concept of clinical legal education had to

expand far beyond legal aid clinics, to encompass programmes of broader community needs for social development. Provision of legal services to the majority and dissemination of legal information have now become a part of clinical education adopted by law schools the world over.[12]

In Africa, while some law schools have ignored the challenges of clinical legal education, others have responded depending on the circumstances and demands of their national and institutional policies and strategies of legal education.

Tanzania

In meeting the demands of access to justice, a number of institutions have been established in Tanzania to provide different forms of legal services for the poor and ignorant members of society. These include SUWATA, a legal aid scheme for women established in 1989, which provides social services for women and children; Women in Law and Development in Africa (Tanzania Project), established in 1990, which focuses on law reform projects where women are strongly discriminated against and on mass education for women; and the Tanzania Media Women's Association, started in 1988, which publishes *Sauti Ya Siti* ("Women's Voice"), to inform and create discussion and awareness on women's legal rights; and other minor organisations.[13]

While law students participate in these programmes more for employment than for credit as part of their skills development programme, the formal mechanism for their practical training takes place in the law school's clinical programme established in 1978 and administered by the Legal Aid Committee of the University of Dar es Salaam's Faculty of Law.

The programme has three components: it provides legal aid to indigent persons, concentrating mainly on legal counselling and litigation in civil matters; it promotes legal literacy activities aimed at "educating the people on

vital areas of the law which have a bearing on their political, civil and human rights", through the publication of a bulletin, *HAKI* ("justice" or "right") and training of paralegals in basic aspects of the law; and it generates law reform activities through, for example, public debates.[14]

Student participation, though voluntary and not for credit, is encouraged in view of the benefits for professional skills development and social responsibility. Sustained funding from the university and other local and international agencies demonstrates the importance attributed to the programme.

Kenya

In Kenya, initiatives are aimed mainly at providing legal services to disadvantaged communities, with little emphasis on skills development for law students. In this regard, the experiences of five organisations serve as good examples of activities directed towards the eradication of poverty and ignorance: FIDA-Kenya, Kituo Cha Sheria, the ICJ Kenya Section, the Legal Services Foundation and the Institute for Education in Democracy.[15] The common thread for all these agencies involves:

- providing legal services free of charge or at a reduced cost to disadvantaged people;
- assisting the disadvantaged in acquiring a basic knowledge of the law;
- fostering a belief in equality for all, with a special emphasis on gender rights;
- publishing legal and educational materials and assisting in enhancing the level of literacy;
- helping Kenyans to become better citizens.

While the methods used reflect a move away from legalistic approaches, these objectives are largely representative of orthodox and individual-centred legal aid concerns. The problem, however, is that student participation in these activities is minimal.

No available literature associates these programmes with law students who should be benefiting from them for skills development.

Nevertheless, in a country where the majority of the people have no access to lawyers or legal information, the

> Legal educators have now recognised the educational value of clinical programmes, since they have broader aims for legal education beyond its academic component

emphasis on increasing people's awareness of the law is essential. Hopefully, emphasis on student participation as part of a skills development programme will be implemented at some stage. The role of the Kenya Law School and the faculty of law of Nairobi University at this point should be to review their present curricula.

Uganda

Unlike Kenya, the policies and strategies for clinical legal education programmes are comprehensive in Uganda. A variety of organisations, including FIDA-Uganda, are involved in implementing programmes of access to justice, but issues of clinical legal education are more prominently associated with Uganda's Law Development Centre, an institution which provides legal aid and advice to indigent litigants.[16] The basis for this is a report by Professor Gower which recommended as follows:

> One valuable method of instruction, and at the same time a valuable social service, and one obviously needed in Uganda, is the running of a legal aid clinic in connection with the (bar) course... At this clinic, the student under the watchful eye of a qualified supervisor, would interview, advise indigent litigants and, ideally, carry out any necessary correspondence and negotiations on their behalf.[17]

What resulted from this recommendation was the establishment of the Centre with the function of organising and conducting courses of instruction for the acquisition of legal knowledge, professional skills and experience by students intending to practise as attorneys.[18] It is also important to note that it was the Centre and not the Law School at Makerere which was vested with this responsibility, due to a distinction between academic education at the University and professional or practical training skills at the Centre.

The Centre's mission is "to enhance the professional training of post graduate law students at the Centre and promote the lawyer's role of service to the community through practical experience based on learning and legal representation of needy persons".[19] To that end, the clinical legal education programme has two main activities:

- ensuring that postgraduate law students acquire practical training through real-situation cases so that they can, under supervision, interview indigent litigants, advise them, carry out any necessary correspondence and negotiations on their behalf and represent them in court;
- ensuring the education of the general public with regard to their legal rights and duties.[20]

Due to logistical problems these activities were set in motion only in 1998 through the support of the American Bar Association and United States Information Service. Student participation in these programmes is apparently not compulsory but it is understandable that since the activities are still at an initial stage, more will have to be done to ensure effective student participation.

Southern Africa: The Boleswa Countries

Botswana, Lesotho and Swaziland are lumped together in this discussion not because they all are located in the Southern Africa but because they have a common origin of legal education and because they are still struggling to establish (as is the case with Lesotho and Swaziland) or (as in Botswana) strengthen their programmes of clinical legal education.[21]

Prior to the split of the University of Botswana, Lesotho and Swaziland in 1975, practical training had two main components: procedural courses involving teaching in the final year of the LLB of practical courses like Law of Evidence, Criminal and Civil Procedure and Administration of Estates; and limited skills development courses like moot (appellate) court and Mock Trial Practice, Conveyancing and Notarial Practice, and legal research.

With the attainment of independent status, each university took steps to improve on and initiate new programmes to strengthen clinical education. Progress has varied.

In 1986 the Council of Swaziland Churches established a Department of Legal Aid mainly to educate people on their rights. This programme was supplemented by a very limited activity of litigation for people who could not afford to pay for lawyers. Another activity of a limited nature was partici-

pation in research into laws related to the Department's work, namely family law.[22]

The co-operation that was eventually established between this Department and the Department of Law of the University enabled the students to access a wider scope of clinical education.

The student participation really started in 1990 when law students were allowed to work in the Legal Aid Department (LAD) on a voluntary basis. The aim was to use the project as a stepping stone to a comprehensive clinical programme for the law students:

> It is very good to make use of students. It enables LAD to do more educational work, and it is also an advantage for the students to acquire some practical skills and to learn about the legal problems of people in Swaziland through experience. From having participated in various seminars, it is our impression that the students do a good job giving talks in a clear and confident way and making the audience respond.[23]

Despite this favourable evaluation, the programme clearly remains far from comprehensive. Nevertheless what is offered for law students in Swaziland cannot be compared to the situation in Lesotho, where no such programme exists. As of 1999, the National University of Lesotho has been transforming its system of legal education and a comprehensive clinical education programme is expected to be implemented.

A good example of a comprehensive clinical legal education programme exists at the University of Botswana:

> In designing the new programme, the Department of Law was conscious of the fact that lawyers' competence in most, if not all, areas of law practice demands a wide range of fundamental skills. The Department, therefore, departed from the traditional approach which unnecessarily separated academic and professional education and introduced a clinical legal education built in the LLB programmes.[24]

The clarity of objectives is further emphasised by the depth and holistic

approach in executing them.[25] Important aspects include emphasis on the practical elements of a course, teaching of procedural and other practical courses at various levels of the LLB programme (including criminal and civil procedure, evidence, legal ethics, accounting for lawyers, conveyancing and notarial practice, law of business associations, and legal research).

The Clinical Legal Education Programme (CLEP) is the major vehicle used to impart lawyering and professional skills. It has four components: moot courts and mock trials; a legal aid clinic, clinical seminars and internships.

South Africa
The early 1970s marked the consolidation of clinical legal education programmes in South Africa. Instrumental in advancing this process further was the first international legal aid conference held in 1983 at the University of Natal, Durban.

By 1987, law students at several universities were required to take the Practical Legal Studies courses including service in the clinic, or to produce a socially relevant research paper under faculty supervision.[26]

The relevance of the programme at the University of the Witwatersrand was positively appraised:

> The requirement constitutes a quantum leap in legal education at Wits. Its impact on South African legal education could be substantial as well, since no other law school in the country has yet developed so comprehensive a clinical programme.[27]

However, the same report was quick to remark that although the clinics had generally served the objectives of the programme, major and immediate restructuring was necessary in anticipation of the new educational and social demands. These required a review not only of the system of legal education but also of clinical programmes.

In response to the challenge, the Ford Foundation together with the US Centre for Constitutional Rights sponsored a South Africa-US Public Interest Law Symposium in November 1992, the significance of which was not so much the sharing of ideas and strategies for the general strengthening of South African public interest law organisations, but the recognition of

an opening of the doors to justice for the majority of South Africans emerging from generations of domination, repression and denial of legal and human rights.[28]

In recognition of the emerging problems, further development and strengthening of clinical legal programmes was identified as important. It was argued that a focus on the law clinics would enhance training opportunities especially for black law students and improve their accessibility to the legal profession, including improving their skills for better service. Thus restructuring and funding were identified as significant for improving legal aid clinics attached to university law schools.

To that end, many law schools have now established legal aid clinics under the general supervision of the Association of University Legal Aid Institutions. Their success varies but the objectives of the programme in the context of South Africa remain the same, namely acquisition of legal skills, professional awareness and responsibility, promotion of social values by providing legal services to the majority; and provision of an alternative route into the profession especially for black law graduates.

In addition to legal aid clinics, most South African law schools also have street law programmes as part of their system of clinical legal education. It has been argued that by enabling students to go out to schools and communities to teach the law, the programme gives students an insight into the needs and aspirations of ordinary people.

The programme also complements the students' acquisition of professional values and sensitises them far beyond formal professional ethics to broader issues of the role of law in society. Today, 17 law schools offer courses in street law and their development is based on funds received from the Attorneys Fidelity Fund and the US Agency for International Development.[29]

Most of the South African clinics engage in general practice, although

By enabling students to go out to schools and communities to teach the law, the street law programme gives them an insight into the needs and aspirations of ordinary people

some areas of law are closed to them. The vast majority of cases involve labour matters, consumer law, housing problems, customary law and criminal cases. During the struggle against apartheid, clinics at the progressive South African universities were involved with civil rights cases. With the advent of democracy, the legal aid clinics still deal with poverty law problems, some of which, like housing, the quality of police services and social security, have continued as a result of non-delivery by the new government. One or two clinics have moved from general practice to more specialised issues. Thus at the University of Natal, Durban, in addition to the Legal Aid course there is a specialist Clinical Law course which focuses on women and children, administrative justice and land restitution. Furthermore, the legal societies also now allow candidate attorneys to do their internships in accredited clinics. As yet law students do not have the right to appear in the lower courts on behalf of indigent litigants, although student practice rules have been in the pipeline since 1985.

The Street Law programme uses a wide variety of student-centred activities in its teaching methods. These include role-plays, simulations, games, small group discussions, opinion polls, mock trials, debates, and field trips and street theatre. Such activities have combined to build the capacity of South African clinical legal education programmes, thereby increasing their potential to meet the growing demands of students and of society. In the end, it is the millions of ordinary South Africans who will benefit from better quality education and greater access to justice.[30]

New Challenges and Initiatives for the 21st Century
Despite the successful and progressive experiences in clinical education by law

schools in Eastern and Southern Africa, these developments are not without obstacles. Assessments have identified a variety of factors that frustrate further developments. Areas of general concern include curriculum design, client service, and staff and funding. The critical areas for improvement are skills development; curriculum review; greater participation in research and publication; networking and co-operation to strengthen linkages.[31]

Despite the positive democratic, socio-political and economic gains of many African states, justice will for some time continue to remain distant and inadequate, especially in the rural areas where the majority lives.

The legal system will continue to be inaccessible to these people because they are poor and cannot afford to pay for lawyers; they live far from centres providing legal services and have few legal facilities in their communities; they do not know about the law, human and legal rights; and lawyers are ill-equipped to provide for their needs. This lays the basis for the challenges which clinical legal education faces and must address more directly and urgently than ever before. Future developments in the clinical legal education movement should, therefore, focus attention in that direction.

It has to be noted, however, that emerging challenges and the degree of their impact on social development in the various countries of Africa have been influenced by and are the result of specific social, cultural, legal, political and economic realities. The dual nature of the legal system in most African countries, for instance, has resulted in people not being aware of their rights under the mostly received State Law as compared to knowledge of customary or religious law, and the problem of lack of awareness has been exacerbated by limited resources for legal services.

So, too, the growing focus on democracy and human rights in civic education is partly explained by the intolerant nature of many African governments during the past two to three decades. Concerns about women's issues have also emerged as a key challenge to be understood in the general context of broad social practices and the patriarchal nature of societies which sanction the subordinate position of women.[32]

As a starting point it should be recognised that in addition to knowledge of legal doctrines and methods, lawyers need a knowledge of all fundamental skills and values that competent, ethical and socially responsible practitioners use in solving problems; as well as knowledge of the art of lawyering.

A significant amount of education and training in the art of lawyering should occur in schools, and law students must learn through reflective, live-client clinical education in a realistic setting, under close supervision of experienced teachers. Professional responsibility on the part of law students requires their sensitivity and positive contribution to social development through clinical programmes.[33] In this way, legal education will be seen as contributing effectively to social transformation and development in Africa.

Despite differences in the level and scope of development of clinical legal education programmes among countries and within countries in Africa, three intertwined strategies have emerged over the years and are being utilised to achieve their objectives: education and training, provision of legal aid, and information dissemination.

> **Despite the positive gains of many African states, justice will for some time continue to remain distant and inadequate, especially in the rural areas where the majority lives**

Towards a Progressive Integrated and Holistic Skills Development Programme

Many African law schools have reviewed their curricula with a view to strengthening their clinical programmes. In South Africa, the general transformation of legal education in the context of the new dispensation has necessitated revisiting the status and role of clinical programmes at law schools. Although there is general agreement on the need to strengthen clinical programmes at law schools, the specific nature and level of such programmes remains contentious.

The position taken by a few universities, notably the University of Fort Hare supported by the Black Lawyers Association and the National Association of Democratic Lawyers, is the introduction of a progressive, integrated and holistic skills development programme during a law degree rather than postgraduate studies:

> Developments in legal education have tended to compartmentalise the study of law into stages: academic, vocational and continuing education, and have created dichotomies which have placed a wedge between scholars and practitioners. However, what is generally recognised is that such division of legal education into stages or compartments is arbitrary, unnecessary and confusing. More importantly it confuses the objectives of legal education and encourages a division within the legal profession instead of abolishing it. In the eyes of those who view legal education as a continuum such divisions are more destructive than constructive.[34]

Currently the goal of a progressive, integrated and holistic clinical programme incorporated in the new four-year undergraduate curriculum of the LLB is being experimented with at the University of Fort Hare, using a similar programme to that of the University of Newcastle in Australia, and the Universities of Natal and Potchefstroom.[35] The distinction between this programme and that at the University of Botswana and other similar programmes, is its progressive nature, i.e. skills being integrated at every level of the curriculum.

The clinical education of law students is said to achieve the following objectives: professional ethics/responsibility, acquisition of skills, substantive law and jurisprudence, policy, law reform and community service.[36] Whereas certain universities have introduced other socially related teaching goals when using a clinical teaching method, in Africa this has not featured prominently.[37] Currently the law school of the University of Natal, Durban is

engaged in teaching social justice through clinical programmes, defining social justice as satisfying the needs of society for fair distribution of health, housing, welfare, education and legal resources.[38]

The initiative involves teaching methods distinct from the traditional systems used in legal aid clinics and street law programmes.

The debate on clinical education received a new dimension when the President of the Constitutional Court of South Africa argued that in view of the substantial contribution made by the state to the cost of university education, the advantages flowing from professional degrees, and the need for practical training, there are compelling reasons why practical training should be combined with service to the community as public defenders or staffers of legal aid clinics, i.e. internship programmes for lawyers.

Under the project, graduates have to do one year's compulsory community service as part of the government's plan to provide legal services to the community while at the same time providing developing well-rounded legal skills.[39]

Conclusion

During the last 40 years, concerted efforts have been directed towards democracy and social transformation, but these have been confronted with perennial problems and challenges. Poverty and ignorance rank high amongst these obstacles and the fight for their alleviation and/or eradication has tasked not only governments but international organisations, NGOs and other institutions. This paper reveals that African universities have indicated their commitment towards social development and their various institutions of legal education have risen to the same challenge.

The paper thus establishes the role of clinical legal education generally and its contribution to and impact on two of Africa's most deadly evils – poverty and ignorance. The analysis shows that the importance of clinical legal education programmes in that regard has not only been realised and appreciated, but their implementation has also been effected in several countries throughout Africa.

The experiences of programmes in east and southern Africa reveal that there are variations within the different countries, but there is also much in common with regard to objectives and areas of concern. The value of comparing these experiences is to learn from each other's successes and shortcomings. ☸

> **Democracy and transformation are confronted with perennial problems and challenges, with poverty and ignorance high amongst these obstacles**

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L iberalised markets and an open international trading environment are prerequisites for sustainable agricultural growth and development. Nowhere is this more amply demonstrated than in the case of Africa's post-independence economic crisis. This crisis is predominantly an agricultural crisis. Recent research suggests that this crisis could have been prevented, or at least mitigated, by a more appropriate economic policy environment that supported markets and opened up economies to international trade.

South Africa could learn from the African experience inasmuch as it contains relevant lessons about the type of economic environment to avoid. Like many African countries, agricultural and other markets in South and Southern Africa were much less open than elsewhere. There has been much direct and indirect intervention in the marketing of agricultural products, many control and regulatory devices, and high and complicated tariff and quota systems on imports and exports. Extensive use was made of subsidies.

Since becoming a signatory to GATT (now the World Trade Organisation), South Africa has embarked on an extensive trade liberalisation programme. This will result in the South African economy becoming more open and exposed to global market forces. The 1996 Growth, Employment and Redistribution (GEAR) strategy aims to accelerate South Africa's tariff reform and base growth on exports and foreign direct investment (FDI). But the GEAR strategy has come under increasing academic criticism: "...there is a prima facie case that the GEAR policy package made a significant contribution to the collapse of growth in South Africa, owing to its emphasis on deficit reduction".[2]

This paper explores the importance of liberalised markets and an opened economy for agriculture in South Africa by drawing from the African experi-

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Sowing the seeds of growth and development

South African agriculture in a global economy[1]

BY WILLEM NAUDÉ

ence. The consequences and implications of the GEAR-strategy for agriculture are then evaluated against the African experience, and the case for a micro-level focus on agriculture in GEAR is made.

Markets, the Economic Environment and Agriculture in Africa

Africa's post-independence economic experience is one of economic collapse following inappropriate macro-economic policies. Between 1965 and 1985, GDP per capita increased by less than 1% a year on average.[3]

A vital dimension of Africa's economic crisis is that it is largely an agricultural crisis. The rate of agricultural growth in Africa declined from an average of 2.2% in 1965-73 to 1% in 1974-80 and just 0.6% in 1981-85.[4] Food security, exports and industrialisation have been severely compromised by this.

Africa's food production declined by 11.6% per capita since 1960; in 24 African countries, more than 20% of the population does not get enough to eat.[5] In contrast, in Latin America food production for the same period (1960-

95) grew by 31.4% per capita, and Asia's by 70.6% per capita. It can thus be noted that in countries where economic policies were conducive to export-led growth and integration into the world economy, agriculture flourished. In countries in Africa, where economic policies in effect closed countries to the rest of the world and repressed agricultural markets, growth was dismal – and agriculture failed.

Although agriculture in Africa had to cope with adverse natural environments and was subject to international commodity price declines, the most serious constraint on agriculture has been governments' economic policies. Collier and Gunning note that agricultural product markets in Africa were undermined by five major elements of the economic policy environment: restrictions on traders, price controls, high taxation, minimum sales and poor infrastructure.[6]

These policies placed an explicit as well as an implicit tax on agriculture. A study by Schiff and Valdes covering 18 countries across the world found that countries in Africa tended to tax their farmers 70% more than the average for developing countries.[7]

Farmers are taxed explicitly through producer-price fixing, export taxes and taxes on inputs used in the agricultural production process. They are implicitly taxed through overvalued exchange rates, high levels of tariff and non-tariff trade barriers, and inconsistent macro-economic policies which act as a tax on investment in export-oriented agriculture.[8] The consequences of these policies in Africa were reduced market integration, inefficient allocation of resources, a retreat into subsistence farming, higher exposure to risks and criminalised economic activity. All of these contributed to the agricultural crisis.

The Political Economy of the Agricultural Crisis

Given the obvious importance of agriculture, the question arises why African governments chose and often stuck to hostile economic policies even in the face of mounting internal and external opposition. Moreover, the policies adopted in Africa after independence – and also in South Africa in the past – are inconsistent with a long tradition in economics which can be traced back to Adam Smith and David Ricardo and which emphasises the importance of increasing productivity in the agricultural sectors for the sake of economic growth.

The discredited ideas that African policy makers turned to after independence were that a "surplus" could be extracted from agriculture which could then be reinvested behind high protective trade barriers by a benevolent government for industrialisation. To grasp why these ideas were so popular and why governments clung to them even as it became clear that they were counterproductive, it is worthwhile considering the history of agriculture as engine of export-led growth in Africa.

Before much of Africa gained independence in the 1950s and 1960s, it had a long history of export-led growth. In Southern and Central Africa export-led

growth was based on mining, and in Western and Eastern Africa on peasant and commercial (plantation) agriculture. Between 1900 and 1950, the average annual growth rate in per capita incomes in Africa is estimated to have been around 2.5% – compared to the growth rates of the industrial countries during a similar phase in their history of around 1.5%.
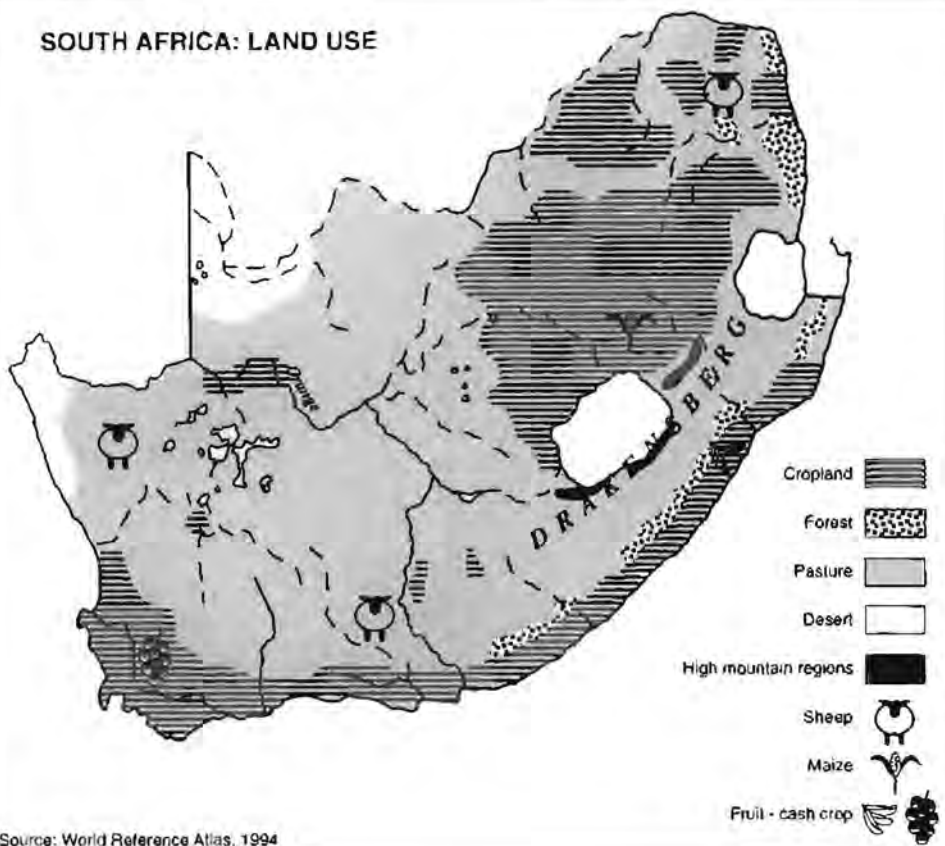
Although export-led growth rates in African economies before the 1950s were thus relatively good, they was based on the unacceptable practice of foreign domination and colonialism, and as such were unsustainable.[9]

Collier describes how economic growth through the export of agriculture was to all intents and purposes stifled by inappropriate economic policies during the 1960s and 1970s:

> As spending pressures [to provide education, alleviate urban unemployment and reward constituencies] increased, government budgets other than those in the Franc zone tended to move into deficit and this produced incipient balance of payments crises... [government] then faced a choice familiar to many high spending governments, between fiscal retrenchment, devaluation or trade restrictions... many African governments chose to impose trade restrictions.[10]

High government spending and fixed exchange rate regimes rapidly produced overvalued exchange rates and even tighter trade restrictions. Explicit taxes on agriculture also increased due to overspending governments' need for revenue. These reduced the domestic profitability of exporting and of producing agricultural output for the market and forced many farmers into subsistence agriculture, thereby perversely eroding the major tax base of most African governments. Lal describes this process as the

SOUTH AFRICA: LAND USE

Cropland
Forest
Pasture
Desert
High mountain regions
Sheep
Maize
Fruit - cash crop

Source: World Reference Atlas, 1994

"very un-Marxist withering away of the state" as governments in many African governments started to lose revenue and influence.[11]

The high rates of taxation on exports ended and reversed Africa's history of export-led growth, and Africa's shares in world and developing country exports started to decline during the 1960s. In Ghana, for example, export volumes were 60% lower in 1980 than in 1965.[12] Many African economies "imploded", and were disconnected from the world economy. By the late 1980s African farmers had to operate in the most closed economic environment on earth.

According to an index of openness constructed by Sachs and Warner, Sub-Saharan Africa scores a value of 0.04 out of 1, compared to 0.37 of other less developed countries.[13] Using time series data, they also quantified the effect of the closed nature of African markets on its economic growth performance. They found that a restrictive trade policy, poor access to the sea and Dutch Disease caused economic growth to be 1.2% lower than otherwise.[14] Trade liberalisation and the opening up of its economies should therefore be an important part of economic reform in Africa.

The Economic Reform Game

Economic reforms in Africa generally consist of policies to stabilise countries' macro-economies (bringing the fiscal deficit and balance of payment deficits under control), restructure the economy through a devaluation of the currency and trade liberalisation, and reduce the role of state, since it has become clear that Africa has a comparative disadvantage in government.

As argued by Lal, the fundamental reason for reforms and trade liberalisation in Africa has been governments' will to remain in power. He recognises that "it is rare for liberalisation to follow some intellectual conversion of policymakers who, having seen the errors of their ways, seek to find a second best welfare maximizing transition from a controlled to a market economy. Rather, various measures of economic liberalisation are most often sought to regain control over the economy"[15]

The apparent opportunism of African governments is obvious to private agents, including farmers. In many instances, farmers have expected the reforms to be reversed if it becomes expedient for government to do so in future. What has been labelled an endogenous trade policy has thus

caused economic reform measures such as trade liberalisation to fail in many instances. To illustrate the difficulty of reversing bad policies, consider the point of trade liberalisation and devaluation, namely to achieve a re-allocation of resources from previously protected, non-tradable sectors towards tradable sectors, and to achieve a positive supply response in agriculture, say from subsistence farming and smuggling into exports through formal channels.

When farmers doubt the sincerity of government to maintain the new incentives, they do not respond as government desires, and unemployment may actually worsen as the non-tradable sector is squeezed but no compensating increase in tradable production is forthcoming. In fact, many farmers make use of the liberalised trade regime to accumulate imported consumer items and inputs in order to re-sell at higher prices when import controls are re-imposed.

Policies also become time-inconsistent: when a government with doubtful motives and a need for income (due to a chronic budget deficit) decides to lower taxes on cash crop exports, clever farmers will not shift their production into cash crops, since if they do so, government will suddenly see a large tax base appearing, and will have added incentive to re-impose the abolished taxes.

There are also other factors that might induce farmers to consider trade liberalisation and deregulation of agricultural markets as temporary, such as if government is susceptible to lobbying groups or political pressure to reverse the reforms. This has often happened in Kenya. Thus, in light of the credibility problems with trade liberalisation, and the experience that a failed liberalisation might be more damaging than no liberalisation at all,[16] Collier and Jenkins and Naudé argue for policy lock-in mechanisms – such as reciprocal trade agreements and multi-lateral agreements – to remove the discretion of African gov-

TABLE 1: EFFECT OF MACRO-ECONOMIC REFORMS ON AGRICULTURAL PRODUCTION IN SUB-SAHARAN AFRICA

Nature of Macro-Economic Change	GDP per capita growth (%)	Agricultural growth (%)	Export growth (%)
Countries with large improvement	2.9%	2.2%	3.5%
Countries with small improvement	0.9%	0.3%	5.4%
Countries with deterioration	-2.8%	-0.9%	-5.1%

Source: *Adjustment in Africa: Reforms, Results and the Road Ahead*, Washington DC: World Bank, 1994, p 266.

ernments over trade policy so as to render trade liberalisation credible and thus result in the desired beneficial response from farmers.[17]

The mixed experience in Africa of economic reforms is more likely due to the game of economic reform which African governments are not equally skilled at, and not the inherent incorrectness or irrelevance of the reforms. There is, moreover, empirical evidence that countries that have succeeded in implementing and maintaining economic reforms have experienced an upsurge in economic growth and agricultural production.

The Fruits of Successful Economic Reform

The benefits of successful economic reform – including fiscal deficit reduction, devaluation and trade liberalisation – have been illustrated by empirical evidence accumulated by the World Bank.[18] This evidence is presented in Table 1.

Table 1 shows that countries with large improvements in their macro-economic stance outperformed others. These countries, such as Burkina Faso, the Gambia, Ghana, Nigeria, Tanzania and Zimbabwe, experienced on average improvements in GDP growth of up to 2.9%, and improvements in the growth rate of agriculture of 2.2%. Exports (which are mainly agricultural products) increased on average by 3.5% in countries with substantial macro-economic reforms, whilst both agricultural production as well as export growth declined in countries with a deterioration in their economic policy environment.

> Given the obvious importance of agriculture, the question arises why African governments chose and often stuck to hostile economic policies

The economic reforms that have been implemented in South Africa over the past six years have many similarities with the economic reforms measures being adopted elsewhere in Africa. There are sufficient similarities between the African countries' broad economic environments for South Africa to take heed of previous experience.

Markets, the Economic Environment and Agriculture in South Africa

Despite significant differences in the economic sizes and histories of South Africa and the rest of Africa (South Africa's GDP is about five times larger than the combined GDP of its neighbours), the nature of the interactions between the economic environment, markets and agricultural growth is such that important common features can be identified: most of Sub-Saharan Africa followed an export-led growth strategy up to the 1950s based on agriculture; agriculture is a good barometer of the appropriateness and sustainability of the economic environment; an inward-looking economic environment is ultimately damaging to economic growth and will first manifest in poor agricultural performance – even a retreat into subsistence agriculture in extreme cases; and the process and credibility of economic reform is important if reform is to succeed.

South Africa is different to other African countries in that economic growth and development was, for most of its history, based on exports of minerals, whereas in much of Africa export-led growth was based on agriculture.

The forces of "economic nationalism" resulted in inappropriate economic policies – such as import substitution industrialisation, which had its roots in the 1925 Customs Tariff and Excise Duty Amendment Act of the Pact-government. ISI left South Africa with a restrictive import control regime con-

sisting of quotas and tariffs. These measures imparted a significant anti-export bias to the economy and eventually brought to an end export-led growth.[19]

Like much of Africa, decades of attempting to industrialise the economy have had, at best, mixed results: manufacturing accounts for only 25% of GDP (only marginally higher than during the 1920s) and agricultural growth remains a significant factor influencing economic growth, despite the sector's accounting for only 5% of GDP.

Like much of the rest of Africa, South Africa has a substantial rural population with high levels of poverty.[20] And, like much of Africa, micro-level agricultural reforms are underway to allow small farmers and rural inhabitants to benefit from macro-level economic policy reforms. These reforms, which include land redistribution, small farmer development, agro-support systems, water rights, natural resource and environmental management, labour legislation and the stimulation of the rural financial sector, are all important for strengthening markets within a supportive macro-economic environment.

Like much of Africa today, South Africa's current economic policy environment aims to shift economic growth and industrial development "from import replacement to export promotion and globalisation".[21] South Africa's economic environment over the past five years have been significantly determined by the government's Growth, Employment and Redistribution (GEAR) strategy, set out in 1996. The poor mid-term results of GEAR have been attributed to a lack of sufficient investment response caused by fiscal deficit reduction and high interest rates, together with a failure to attract sufficient FDI.[22]

If GEAR is to be refocused, however, micro-level reforms that could deal with the challenges facing the agricultural sector ought also to be considered

Implications of GEAR for Agriculture

The economic policy environment implied by GEAR has been extensively covered in South Africa.[23] From the point of view of most agricultural economists, there seems to be acceptance that GEAR is a necessary, although perhaps painful, adjustment strategy at this stage. Reservations centre around two issues: concern about the possible negative effects of trade liberalisation on agricultural output, and concern that GEAR itself does not acknowledge the importance of agriculture in the South African economy.

Trade Liberalisation and Agriculture

Possibly one of the most sensitive policies in the GEAR strategy, especially from the agricultural sector's point of view, is trade liberalisation, which in the wake of the depreciation of the currency has been accelerated. A recent assessment by Nomvete, Maasdorp and Thomas qualifies GEAR's stance on trade liberalisation: "Agricultural policy must be consistent with, and support, the liberalisation of the economy. However, the impact of macro economic policies on the sector should also be given attention... The study of this impact will require a major project. However, some sectors will be endangered by cheap imports." They proceed to cite the example of the beef industry in South Africa where it has been estimated that the average price of beef would have to fall by 35% if local producers are to be able to compete against so-called "cheap" imports. They do not state, however, what the benefits for the meat processing industry and consumers might be.[24]

It is correct that a project is needed in South Africa to study the impact of trade liberalisation on agriculture in the same detail as has been done for manufacturing. For instance, Coetzee, Gwarada, Naudé and Swanepoel use a multisectoral Computable General Equilibrium (CGE) model to determine the effects of trade

> **The structure of import protection afforded to agriculture was largely the historical result of lobbying from special interest groups, mainly white farmers**

reform and currency depreciation on manufacturing.[25] Storm emphasises that "any analysis of agricultural trade reform requires a comprehensive, economy-wide framework, rather than the widely used partial equilibrium approach".[26]

Secondly, the contention that some agricultural sub-sectors will experience reduced output and employment is correct. But that is precisely the intention of trade liberalisation. Tariff reform and the abolition of import quotas change relative prices and will thus lead to a change in the behaviour of optimising producers. The changes that the tariff reform and the depreciation of the Rand will bring about will benefit those who produce agricultural exports – mainly horticultural crops such as vegetables, citrus, grapes and deciduous fruit. These sectors are those with the greatest potential for growth and employment creation [27]
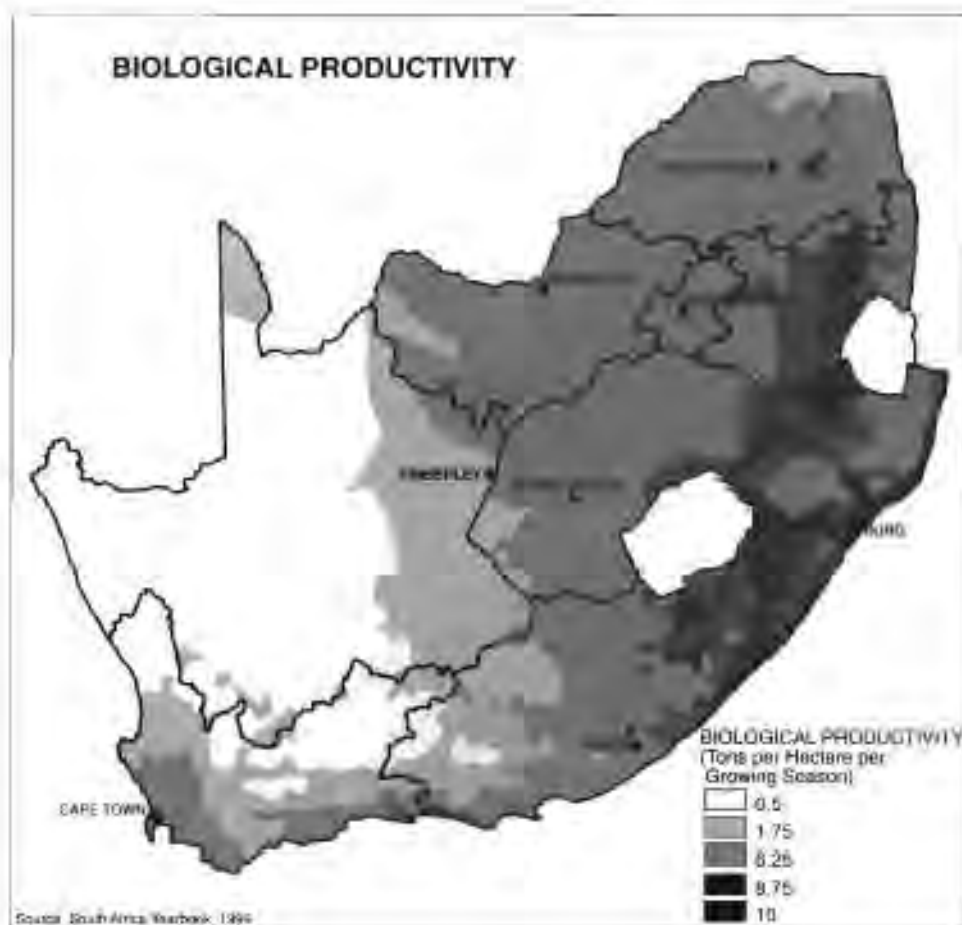
The effect on food production, mainly field crops such as maize, wheat and oil seeds, is ambiguous, depending on whether the food in question is a tradable or non-tradable.[28] If it is a non-tradable and at the same time restrictions on food imports apply (as is the case in South Africa) then food security may decline, although increases in rural incomes should counter this. If food restrictions are lifted but many small farmers and rural inhabitants are found to be engaged in food/field crop production, then a case may be made for assistance from government to assist them in responding to changes in relative prices, and shift their resources towards agricultural products favoured by liberalisation.

It should be noted that South African farmers have already started shifting production towards horticultural crops away from field crops. Horticulture's contribution to sectoral value has increased from 14.7% in the early 1960s to 20.9% in the 1990s, while field crop production has declined from 42.6% in 1960 to 34.2% in the early 1990s.[29] South African farmers are thus not completely unprepared.

Seen from a macro-economic point of view, the net effect of trade liberalisation is to enhance the welfare of the general population, not just that of a selected interest group. The strengthening of markets through trade liberalisation is precisely what Collier and

BIOLOGICAL PRODUCTIVITY

KIMBERLEY

CAPE TOWN

KURU

BIOLOGICAL PRODUCTIVITY
(Tons per Hectare per
Growing Season)

0.5
1.75
8.25
8.75
10

Source: South Africa Yearbook, 1994

Gunning's survey on Africa's economic performance recommends.[30]

When confronted with criticism of trade liberalisation from the agricultural sector, it is therefore worthwhile considering Avinash Dixit's remark that "Markets at their best serve the general interest. But those who make and implement economic policies are answerable to a variety of special interests, organised lobbies, financial contributors, and swing voters – many of whom would be hurt by these liberal economic policies."

An in-depth discussion of the political economy of trade liberalisation falls outside the scope of this paper. However the following points concerning the political economy of trade liberalisation and agriculture in South Africa should be noted. These suggest that claims as to the detrimental effect of trade liberalisation on agriculture might be vastly exaggerated.

The structure of import protection afforded to agriculture was largely the historical result of lobbying from special interest groups, mainly white farmers, which was favourably received by the National Party government. Recent

research by Jenkins, Bleaney and Holden stresses that the credibility of trade liberalisation in South Africa is high because it is largely driven by the internal needs of the economy, and not external pressures such as is the case in many African countries.[31]

Lobbying by the currently protected agricultural sectors to indefinitely maintain their protection is thus very likely to be resisted. In fact, Jenkins, Bleaney and Holden point to the fact that the Board of Trade and Industry (BTI) "has shown a willingness to resist lobbying pressures from the private sector over the last seven years."

Moreover, the reduction in tariff protection afforded to manufacturing industries is likely to benefit the agricultural sector, thus mitigating any possible short-term contraction in agricultural output. In addition to the direct impact of a restrictive control regime on agriculture, evidence in favour of the indirect advantage to agriculture from the lifting of trade restrictions on manufacturing comes from three sources: results from a CGE-model analysis of Australian agriculture; the experience with agricultural output of

trade reforming African countries; and preliminary results from a CGE-model analysis of trade liberalisation in South Africa.

Higgs uses a CGE model of the Australian economy to conclude that an increase in protection for manufacturing industries will have a negative effect on agricultural production (and vice versa).[32] Lowering protection on manufactured goods leads to a lower growth in CPI, and so to lower increases in labour costs and the costs of inputs generally. This improves the competitiveness of the agricultural export-sector and raises real farm incomes. Furthermore, it is the agricultural sectors that produce for domestic processing industries that may experience a greater increase in their competitiveness, due to their greater sensitivity and exposure to domestic costs.

As far as the (indirect) advantages of trade liberalisation for agriculture in South Africa are concerned, Coetzee, Gwarada, Naude and Swanepoel use a static CGE-model to quantify the impact of trade reform and currency depreciation on the South African economy, including agriculture. Their results show that a reduction in manufacturing tariffs, the abolition of surcharges, the phasing-out of GEIS and a 20% depreciation in the nominal effective exchange rate will benefit agriculture. Output is found to increase by 0.7%, exports by 3% and employment by 2.5%, while the depreciation causes agricultural imports to decline by 4.2%. Accelerating the tariff reform, as set out in GEAR, will benefit agricultural output by a further 0.1% and exports by a further 0.7%, but will cause agricultural imports to decline by just 3.2%.[33]

The upshot of the argument is thus that it is premature to judge the effects of trade liberalisation on agriculture to be negative in aggregate, or to be too concerned about sub-sector adjustments. In fact, this paper argues that greater openness will stimulate agricultural production and exports. Given the benefits accruing to agricultural

exporters, and the determination of the BTI to resist lobbying pressures, farmers' supply response to the trade liberalisation is likely to be positive. Micro-level changes, such as wage policy and labour legislation as well as credit supply to farmers are, however, going to be important determinants of the extent to which agricultural exports will remain internationally competitive, to what extent agriculture can create jobs, and to what extent small farmers currently engaged in field crops will be able to adapt.

But even in spite of the high probability of soaring labour costs on farms in the near future, farm productivity may still increase under a more liberalised trade regime – it has been found for instance that international technology spillovers are a significant source of productivity growth in certain agricultural sectors.[34] Economic integration with the global economy will be the rural and agricultural sectors' fast track out of poverty.

Role of Agriculture in GEAR

The GEAR strategy document does not deal explicitly with agriculture, as Nomvete, Maasdorp and Thomas rightly point out.[35] This should not be taken to imply that GEAR regards agricultural growth as unimportant. There are two basic reasons for this statement. First, agricultural growth is required to sustain aggregate as well as manufacturing growth. Second, agricultural growth is necessary to alleviate stagnation and poverty in rural areas of South Africa.

A study by the Industrial Development Corporation on the sectoral challenges posed by the GEAR strategy suggests that a minimum average annual growth rate of 2.2% in agricultural production over the period 1997-2000 is required if the GEAR strategy's target average annual GDP growth rate of 4.5% between 1997 and 2000 is to be met.[36]

Agriculture also has an important complementary role to play in supporting GEAR's focus on manufacturing exports and greater fixed investment. The industrial policy implicit in GEAR aims to make South Africa's business environment more competitive. But to do so would imply that large, urban and metropolitan centres, or corridors and clusters, be favoured where agglomeration advantages and

economies of scale can be reaped. Regional inequalities will therefore worsen if agricultural growth stagnates. This in turn will affect predominantly rural provinces such as North West, Northern Province and the Eastern Cape disproportionately, and put more pressure on their health and welfare budgets. In rural provinces such as the North West, relatively little horticultural cropping takes place suggesting that provincial governments have a particular responsibility to assist small farmers with their agricultural budgets.

China, the world's largest and fastest growing developing country, presents a good case study of the manner in which an appropriate economic policy environment can, through agriculture, increase rural incomes and alleviate rural poverty. In 1978, China abandoned collective farming, allowed prices for farm goods to rise, and eliminated many regional restrictions on farm trade.

After 1978, farm incomes soared. To illustrate: between 1970 and 1978 China's farm output grew by just 2.6% per annum. Between 1978 and 1984 it grew more than twice as fast, at 6% per annum on average. Rural incomes are estimated to have increased by 14% per annum during the period, and the number of people in absolute poverty fell by 25% (more than 60 million people). In 1985 the Chinese authorities re-imposed a more restrictive and less liberalised economic environment, and since then farm incomes have been stagnating.[37]

To conclude, although the GEAR strategy's outward-orientation will undoubtedly benefit agriculture in South Africa, agricultural growth per annum of at least 2 to 3% is needed to achieve GEAR's targets. If external factors such as the weather, internal factors such as a reversal of GEAR, or micro-level factors such as labour and wage policies and inadequate land reform hamper agricultural growth, then poverty and rural stagnation will increase in South Africa.

A Micro-Focus for GEAR?

There are those who are deeply sceptical of the GEAR strategy's attempt to base sustainable economic growth and development in South Africa on export-led manufacturing growth and industrial investment. GEAR may thus

fail over the medium to long term because the factors that determine industrialisation and sustained manufacturing growth in the digital or "new" global economy are lacking in South Africa.

The lack of these factors will prevent the critical assumptions in GEAR on investment and export growth from materialising, and as such South Africa can hope for at best between 2 and 3.5% annual GDP growth over the immediate future. There are basically two intertwined arguments.

The first argument is based on the empirical observation that wage and distribution costs are changing at significantly different rates, with distribution costs increasing faster. This implies that businesses that relocate offshore for the purposes of gaining economic benefits will lose those benefits in time and ultimately relocate closer to the market they serve.

Furthermore, the increasing need for a fast response to the marketplace necessitates that production plants move closer to the markets they serve. They will therefore locate near centres of competence where inputs and support services can be accessed. Applying these observations to GEAR's required FDI requirement, Mather claims that "the only thing that SA has is niche markets. There will be no major manufacturers setting down their roots in SA. Anyone who imagines that SA can industrialise by attracting business into SA to manufacture for destinations far away will be proved wrong."[38]

One can add that as long as South African manufacturers' productivity and competitiveness remain low, one cannot imagine significant FDI in manufacturing to serve the local market

A possible way forward is suggested by Wood, who extends the traditional Heckscher-Ohlin model of international trade by incorporating concerns about the human resource requirements for success in international trade.[39]

These concerns have recently been surfacing in African countries wishing to imitate the East Asian export-led model of economic growth. Countries have begun to ask a number of important questions, such as to what extent did East Asian success in exporting labour-intensive manufactures depend on an initially highly literate labour force? What results can be expected from the adoption of export-oriented

policies in countries where few girls go to school? Could Korea have moved up-market in manufactures without massive investment in higher education? Have recent advances in technology raised the educational requirements for competitive exports of labour-intensive goods?

Wood points out that human resources determine two vital aspects of a country's international trade, namely whether it is predominantly an exporter of primary products or of manufactures, and what sort of manufactures it exports. He sees a country's comparative advantage being determined by its relative endowments of skill and land.[40]

For example, in a country with few skilled workers and abundant natural resources (such as South Africa), manufactures would be expensive, relative to primary products. Conversely, manufactures would be cheap, relative to primary products, in a country with plenty of skilled workers but few natural resources.

Given South Africa's relative lack of skills compared to say East Asia, and the near impossibility of catching up with these countries in skills formation

in the near future, Wood's model suggest that a more appropriate development model for South Africa may be provided by Latin America.[41] Chile is a good example of a country that increased its export volumes significantly through processing and manufacturing based on agricultural products. The Macro-economic Research Group / International Labour Organisation's emphasis on investment in agro-industry and social infrastructure in rural areas may thus contain merit.[42]

Conclusion

A country's economic policy environment is a significant determinant of the feasible growth and development of its agricultural sector. This paper argues that liberalised markets and an open international trading environment are necessary for agricultural growth and development. Trade liberalisation, if credible and sustained, is therefore a needed policy reform in Africa.

In South Africa, the GEAR strategy makes provision for trade liberalisation and other market-enhancing reforms. Despite protestations from farmers, trade liberalisation's net effect on agriculture in South Africa may be positive.

Some sectors may contract, and export-oriented sectors may expand, continuing and enforcing a trend in South African agriculture. To the extent that small farmers are predominantly producing field crops, a case is made for targeted support of these groups.

Agriculture will thus benefit from the trade liberalisation intended in GEAR. The GEAR strategy itself will benefit from agricultural growth. But an average annual growth rate of at least 2.2% in agriculture is required to achieve GEAR's target growth rates. Agriculture will also play an important role in rural poverty alleviation to counter GEAR's emphasis on urban manufacturing.

Finally, given that South Africa's comparative advantage may lie in agro-industries, agriculture will increase in importance for South Africa's development in coming years. For all these reasons, micro-level reforms should receive as much, if not higher, priority as maintaining an open economic environment. If simultaneously monetary and fiscal policies can be readjusted to better promote fixed investment, GEAR's economic harvest may still be plentiful. ○

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Poverty and under-development are the greatest problems in sub-Saharan Africa. The challenge the continent faces in eradicating these problems includes finding and then efficiently and successfully applying development strategies aimed at economic justice. Doctrines, strategies and approaches to address Africa's crises and to promote sustainable development abound, writes MAXI SCHOEMAN

Transborder co-operation for sustainable development

An overview of two approaches

Sustainable development is taken to encompass environmentally sound policies and environmental conservation. Regional integration, transborder cooperation, public/private initiatives and local ownership are concepts currently informing many of the development initiatives being implemented to address poverty, inequality and underdevelopment.

Two approaches that contain elements of these characteristics are spatial development initiatives (SDIs) and transborder conservation areas (TFCAs), sometimes, in the southern African context, also referred to as 'peace parks'. These approaches and strategies do not have their origin in southern Africa, but are applied in other parts of the world as well, forming part of the contemporary development agenda with its emphasis on sustainable human development.[1]

The aim of this article is to provide an overview of these approaches, evaluating the extent to which they contribute to alleviating the pressing needs of the region.

SDIs and TFCAs: Approaches embedded in neo-liberalism

The southern African region is characterised by a pattern of systematic under-development, poverty and socio-economic inequality. This pattern flows from a number of causes, the most salient of which are:

- colonial and neo-colonial exploitation;
- the impact of economic globalisation that tends to impoverish and marginalise peripheral states;
- (mostly) civil wars starting in the 1960s (with neighbouring involvement);
- apartheid and its regional destabilisation policy;[2]
- economic mismanagement by many of the region's independent governments.[3]

The SADC countries therefore have to address the causes of underdevelopment, but need to do so in a rapidly changing international arena, attempting, in Nkrumah's famous words, to "run while [others] walk". And it is the trends in the contemporary global political economy that determine or at least circumscribe the policy instruments available to the region to address its development problems.

Economic globalisation, and particularly its underlying ideology of the free market as the solution to underdevelopment and poverty alleviation, forms the rationale for the region's choice of SDIs and TFCAs as strategies for accelerated economic growth and development.

The idea of infrastructure development that constitutes an important part of SDIs has long been part of the development ideals of the region, but can be said to be more focused and specific under the SDI "corridors". TFCAs can be traced to the neo-liberal idea of the development of niche markets to capitalise on comparative advantage in an era of strong competition for markets and investment.

At the same time, TFCAs can also be related to a broader trend towards conservation that can, as will be argued, lead to conflict between various groups

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The road west of Komatipoort which will run to Maputo along the route of the proposed A4 Maputo Corridor from Johannesburg to Mozambique.

Photo: Shaun Harris/PictureNET Africa

(governments, conservationists, local communities) because of different understandings about consumptive and non-consumptive use of protected areas.[4]

For poor African countries the fundamental challenge is to find strategies through which rapid accumulation of capital and growth can be achieved, involving large scale public and private investment. The underlying assumption is that only by interacting with the global economy will countries stand to benefit from globalisation. Does the state have a role to play in such an approach? Globalisation theorists such as Ohmae, in the tradition of liberal economic theory, view the state (and politics) as "retrogressive", inhibiting the development of a "borderless" economy.[5]

In the case of sub-Saharan Africa with its history of weak states and lack of institutional capacity, the interventionist state became anathema to international financial institutions during the 1970s and 1980s and structural adjustment policies were infused by this hostility to the state – and a belief that the market could do things better than the state

The East Asian economies' experience of successful government inter-

vention, as well as market failures in developed countries, resulted in renewed interest in developmental states and public intervention in the 1990s.[6] The importance of the market and private sector initiatives is undeniable, but it is now accepted that "the transformation of most developing countries to higher levels of economic performance cannot occur without a relatively efficient, capable and willing state".[7] The state remains, or could be, an instrument in locking the semi-peripheral economy with the core.[8]

Regionalisation, transborder co-operation and public-private partnerships, all according the state a prominent role, have therefore become prominent strategies in attempts by developing countries to address problems of underdevelopment and poverty. The free market, trade liberalisation and an emphasis on competitiveness remain as important as ever, but it is accepted that the state can play a leading role through strategic interventions and by providing, together with private initiatives, the investment necessary to promote capital accumulation and eco-

nomic growth. SDIs and TFCAs are examples of such strategies. They combine market principles and government intervention with a regional thrust to encourage economic growth by concentrating on "logical" socio-economic and geographic territorial units rather than state-bound political territorial areas.

Both strategies are therefore firmly grounded in neo-liberal economic thinking and the example and history of economic growth and development in the West. Both strategies are also cloaked in the vocabulary of contemporary hegemonic development approaches, such as "sustainable human development", "sustainable ecological development", and "people-centred development".

But using 'correct' or environmentally friendly language does not necessarily translate into achieving such lofty ideals. Furthermore, because these are cross-border development initiatives, the political will of the leadership cadres in the participating countries is of crucial importance to the success of such projects.

TRANSFRONTIER CONSERVATION AREAS (TFCAs)

Map: Elize van As/ABA

SDIs and TFCAs in the Southern African Context

SDIs and TFCAs are not mutually exclusive in spatial terms – SDIs may cut across TFCAs (as in the case of the Lubombo SDI – but they are not to be confused in terms of goals, objectives and development strategies. TFCAs have a smaller brief and are much more focused on the natural environment and ecology than are SDIs. SDIs usually also include a tourism and/or agricultural component as an important feature of their economic growth strategy and some instances, such as the Wild Coast and Lubombo SDIs, are "tourism-led" initiatives.*

Spatial Development Initiatives

Spatial development initiatives are high profile attempts at constructing micro-regions within or across national borders in the form of public/private partnerships aimed at unlocking "inherent economic potential in specific spatial locations in southern Africa".[10]

These initiatives fall squarely within the aims of the South African government's Growth, Employment and Redistribution policy (GEAR) announced in 1996.[11] They are targeted interventions by central government focusing on the removal of constraints to investment (usually infrastructure) and the identification of strategic investment opportunities to strengthen the performance of key clusters in the local economy in the form of anchor projects. The key clusters are in the tourism or industrial sectors. Anchor projects consist of a construction phase and an operation phase, the former temporarily creates a "construction boom" that results in a sudden large injection of

resources into the targeted area, including the creation of thousands of temporary jobs and an expectation of additional downstream or related investments. Black economic empowerment, and particularly benefits to local residents and firms, are considered important and are, according to the official view, encouraged.

The best known SDI in the region is the Maputo Development Corridor. Key sector investments are industrial in nature (e.g. the Mozal aluminium smelter plant in Maputo) and transport infrastructure is perceived to be of crucial importance to the success of these investments. Emphasis is therefore placed on the upgrading of a section of the railway line in Mozambique, of the Maputo port, the telecommunications network between South Africa and Mozambique, and the construction of

a toll road from Witbank to Maputo. The momentum generated by these projects resulted in the initiation of a number of other infrastructure anchor projects.

Transfrontier Conservation Areas

The notion of TFCAs differs significantly from that of SDIs. TFCAs are aimed at promoting wildlife conservation, ecotourism and job creation in Southern Africa.[12] For this purpose seven peace parks spanning the region have been proposed, and the Peace Parks Foundation also supports the development of the Southern African Wildlife College that will provide training for protected area managers from the region.

Close co-operation with local communities is emphasised in the various initiatives of the organisation. So far the Kgalagadi Transfrontier Park is the first formally recognised peace park in the region (April 1999), although the huge Gaza-Kruger-Gonarezhou park spanning South Africa, Mozambique and Zimbabwe is on the verge of being officially proclaimed.

In contrast to SDIs, TFCAs are driven through international private initiatives (such as the Peace Parks Foundation) working with governments, the private sector and local communities. Economic growth is not the main concern of the initiative, though the Foundation admits that it aims "to unlock the huge economic potential of the region's tourist industry".

But for the Peace Parks Foundation it would seem that the main focus is on environmental conservation and a partnership between local communities and the environment. This will be done in such a way that the countries of Southern Africa will be bound together "in a vast network of sustainable and environmental partnerships, protecting their unique natural inheritance for generations, and promoting a culture of peace and cooperation".

The Peace Parks Foundation provides detailed project profiles for their vision of "Africa without fences".[13]

The countries in Southern Africa involved in TFCA proclamations and development are South Africa, Botswana, Namibia, Zimbabwe, Lesotho and Mozambique. The Maputaland TFCA (South Africa, Swaziland and Mozambique) will be co-ordinated with the Lubombo SDI. What is interesting to note is that the South African government seems to place a much heavier emphasis on the economic growth opportunities viewed as inherent to the development of TFCAs than does the Peace Parks Foundation.

In a media statement released by the Ministry for Environmental Affairs and Tourism, for instance, the main objective of TFCAs is purported to be "economic development through appropriate maximum use of opportunities for ecologically and financially sustainable development, the sustainable use of the natural resource base etc".[14] The statement also emphasises that the essence of TFCAs is to "create conservation areas that stretch across the political boundaries of Southern Africa" and that the countries involved are committed to the development of joint strategies for planning and management.[15]

For the purpose of this article, attention is largely focused on the Gaza-Kruger-Gonarezhou TFCA (also sometimes referred to as the Kruger/Banhine-Zinave/Gonarezhou Park), although examples from other TFCAs are also used. This park, consisting of 72% in Mozambique, 21% in SA and 7% in Zimbabwe, will be one of the biggest and most impressive conservation regions in the world, totalling a massive 95 700 km². Once it has been formally established, the traditional migration routes for elephant and buffalo will be re-established and it is therefore expected that controversial culling and translocation programmes will no longer be necessary. The Zimbabwean side of the park was severely reduced

> ## The countries of Southern Africa will be bound together in a vast network of sustainable and environmental partnerships, protecting their unique natural inheritance

during the drought of 1991/92 and wildlife populations on the Mozambican side are extremely limited. The Kruger is a major area of vertebrate diversity and one of the few protected areas in the region capable of maintaining a natural carnivore/prey system. The TFCA has a very diverse plant life and is also of great cultural-historical value, underlined by the discovery of archeological sites in the Kruger.

The TFCA development strategy includes an emphasis on health (a malaria control programme), reaching land claim settlements, re-introducing game and a crafts programme as a job creation effort. The designated land in the Gaza and Gonarezhou areas is sparsely populated, with the Gaza land in state ownership and that of Gonarezhou both state and private/communal. The Kruger is state-owned but areas adjacent to the park are densely populated. It should be kept in mind that Gaza is experiencing human encroachment, while some communities' land was appropriated by the state over time to enlarge and consolidate the Kruger.[16]

These issues will be returned to. The following section aims to evaluate the viability and (potential) success of these two strategies to achieve what Koch et al term "economic justice".[17]

Evaluating the Efficacy of SDIs and TFCAs as Sustainable Development Strategies

To evaluate the efficacy of SDIs and TFCAs, attention is focused not so much on what government/s or private institutions (the Peace Parks Foundation in casu) state as the desired outcomes of these projects; rather, the overall yardstick in terms of which success is measured, is the extent to which these projects (can) contribute to the objectives of and very real need for sustainable development in the Southern African region. Therefore, the analysis will focus on three areas in particular: the eradication of inequality, alleviation of poverty and state of assets management to safeguard local communities against vulnerability.

The eradication of inequality and poverty alleviation touches upon the more immediate steps to enable and empower people to improve their quality of life, whereas asset management points to long-term concerns about

sustaining the process through which people experience an improvement in their quality of life.

The definitions of the concepts "inequality", "poverty" and "vulnerability" are taken from the South African Poverty and Inequality Report (PIR).[18] Inequality depends on the definition of equality which can be regarded as referring to a state of social organisation that enables equal access to resources and opportunities to all the members of that society.

To eradicate inequality, or at least move towards a more equal society, it is therefore important that societal organisation allows for approaches to ensure equitable distribution and redistribution of resources and opportunities. In the case of the state as a political organisation of society, there is thus an important role for it in terms of its policies.

Poverty is more problematic to define and there are various conceptual issues to be clarified to measure poverty. In line with the PIR, I make use here of the conventional, money-metric measure, based on a so-called objective definition of poverty as consumption-based and characterising individuals, households and communities that are unable to command sufficient resources to satisfy their basic needs.

Vulnerability refers to negative outcomes of processes of change. The more assets that individuals, households and communities have, and the better these are managed, the less vulnerable they are. But vulnerability also pertains to devising appropriate coping strategies in times of crisis. The problem in endemically poor societies is that they often lack the most basic assets and therefore hardly have anything to manage in order to survive crises and change. Again, in an environment where access to resources and opportunities is unequal, government has a duty towards redistribution.

A problem with assessing the efficacy of SDIs and TFCAs is, however, that we remain, or have to remain within the "confines of the state" ultimately, sovereignty and national borders make for decisions to be taken nationally, even if initiatives are cross-border in nature and implementation. This remains the overall problem these development strategies are highly dependent on the political will of national elites and on the state of international relations between would-be or logical participants in these projects.

In the case of the Maputo Corridor SDI, a special company, the Maputo Corridor Company, owned by regional private sector interests and the governments of South Africa, Mozambique, Botswana, Zimbabwe and Swaziland was set up to provide technical assistance and support for the corridor. The (complex) ownership pattern also reflects the idea of SDIs as regional development strategies at least theoretically falling under the ambit of SADC development objectives.

Yet, the idea of SDIs, especially in the sense of public-private partnerships, has not been fully accepted by all member states and it would seem that the politics of exclusion have so far played a role in determining participation in (and benefits from) the Maputo Corridor SDI. Although in geographical terms it would have made sense for Swaziland to be involved in the corridor development, this did not materialise. South Africa and Mozambique failed to include Swaziland from the outset and the response from the Swazi government was reactive rather than proactive.[19]

The result is that a natural and potentially strategic partner is excluded from the process and will not benefit from the economic growth that might ensue. However, this does not hold true for the Lubombo SDI in which Swaziland does play an important role and can be considered a 'full' partner.

An equally serious problem arose in the case of the Gaza-Kruger-Gonarezhou TFCA when Zimbabwe postponed the signing of the agreement to formally establish the park in June 2000. Zimbabwe claimed that preparations for their election prevented its Minister of Environmental Affairs from attending the meeting.[20]

No date has subsequently been set for the signing, meaning that the establishment of this park has not been formally completed. This means that many of the proposed changes and projects forming part of the TFCA cannot at present be implemented. Keep in mind that the Mozambican side of the park needs urgent attention and development, especially as far as restocking is concerned.

Furthermore, especially in the case of Zimbabwe, the continuing land resettlement problems may impact negatively on consolidation of the TFCA. At the height of the land invasions in Zimbabwe in mid-2000 it was reported that a group of war veterans had crossed into the Gonarezhou area, claiming the land. They were attacked by lions and left, yet they may return, or predators may still be killed.[21] Political problems are therefore clearly not confined to the international level, but domestic politics and the relations between government and citizens/residents or national government and lower tiers of government also come into play.
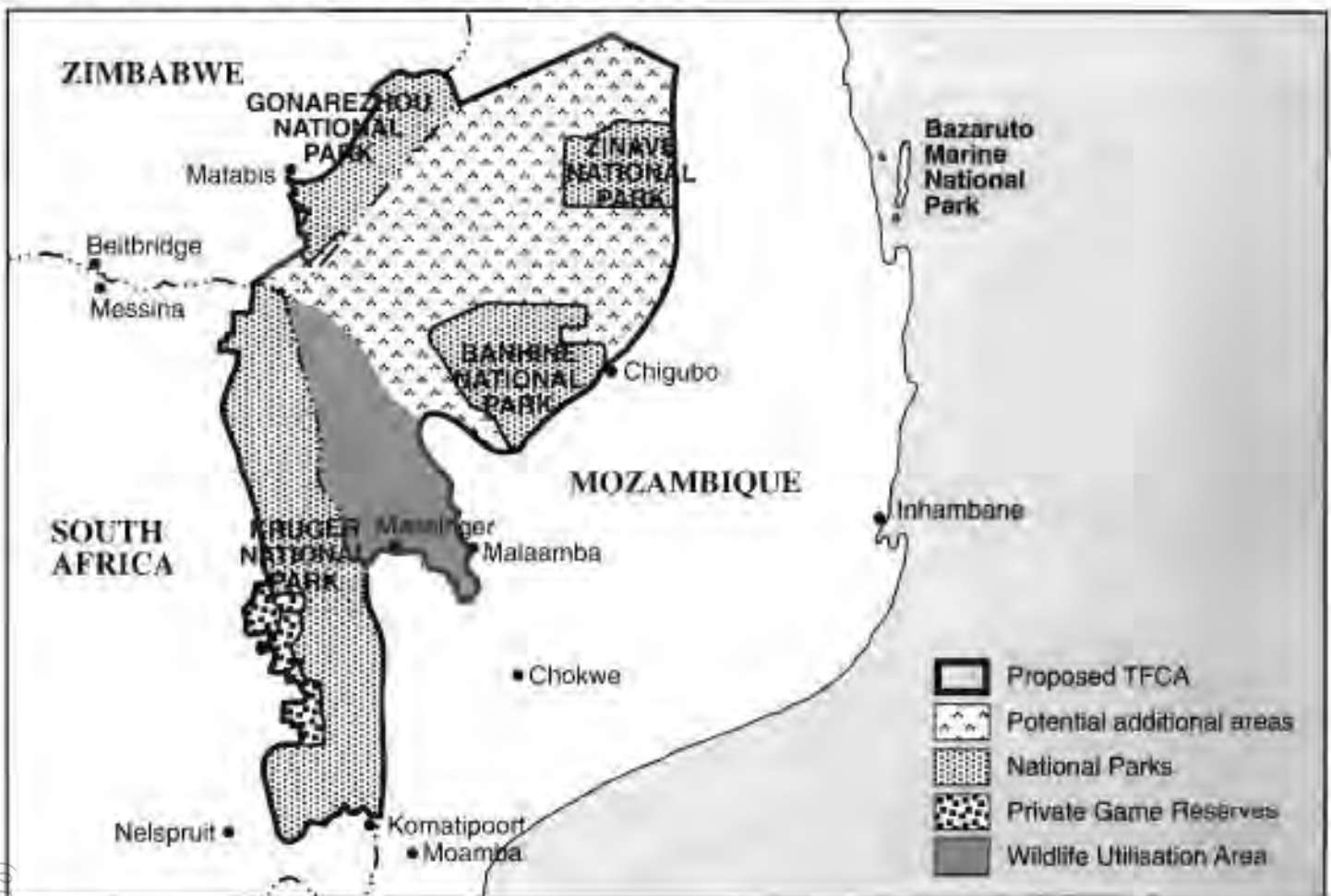
In the case of the Maputo SDI there were initial complaints of lack of communication between the various tiers of government – national, provincial and local – but these are now being addressed. Yet, it would seem that the South African government, on the whole, views the provincial and local government structures in Mpumalanga province as largely lacking in the necessary capacity to be 'full partners'.[22]

Such an attitude belies, to an extent, the underlying rationale of SDIs as aimed at the development of a specific geographical area for the primary benefit of that area. In the case of both South Africa and Mozambique, economic benefits from the SDI will accrue largely to the national economy, and the initiative seems to have a clear urban bias.

This is not surprising, given the nature of the various anchor projects. Those SDIs that are earmarked for tourist-led growth, such as the Lubombo and Wild Coasts initiatives, seem to have a bigger potential for local economic empowerment. A final point to make in this regard is that the

> The problem in endemically poor societies is that they often lack the most basic assets and therefore hardly have anything to manage in order to survive crises and change

KRUGER/GAZA/GONAREZHOU TFCA

value of the Maputo Corridor SDI initiative as a cross-border initiative lies in the fact that the benefits accruing to Mozambique are directly as a result of the link with South Africa – in this sense the SDI provides ample evidence of the win-win situation that might result from such trans-border projects.

Moving to an assessment of SDIs and TFCAs as instruments for the alleviation of poverty and eradication of inequality, a number of problems crop up.

South Africa's GEAR policy works from the assumption that economic growth will stimulate employment creation through conventional neo-liberal 'trickle down' prescriptions. In the case of the Maputo Corridor SDI there are three linked problems with regard to job creation.[23]

• The first is that the permanency of these jobs is uncertain. The Corridor is largely based on construction projects, which will come to an end. Between 1 000 and 2 000 jobs were created, but the expectation is that permanent

jobs will be a spin-off of secondary projects.

• Investment in the various projects is capital-intensive and the types of jobs created do not necessarily match the skills of local labour. Chances are, therefore, that suitable labourers will be recruited from outside the region. This is further exacerbated by the fact that there was not, at least in the case of the toll road construction project, an insistence on 'local content', therefore minimising the potential for providing equal access to economic opportunities created by these projects.[24]

• The cost of job creation is exceptionally high. The $1,5 billion investment in Mpumalanga is expected to create about 7 000 permanent jobs. But with unemployment in this province at 33%, this represents only a 2% reduction in the unemployment rate. Furthermore, the figure of 7 000 is based on a cost of about $200 000 to create one permanent job.

What is clearly needed in the case of the Maputo Corridor development project is a more balanced approach to employment creation. In order to bring more benefit to local communities (on both sides of the border), the emphasis on attracting large-scale investment for industrial and big infrastructure development should be balanced by investment to encourage small, micro and medium business development as well. Such investment would concentrate on labour-intensive projects and could in this way address the local employment needs.

With regard to human development, i.e. the promotion of people's access to resources to improve their quality of life, the infrastructure needs of the SDI as largely dependent on the success of its huge capital investments took precedence over local needs. The building of the toll road may in theory have improved quality of life in providing access to efficient and reliable transport, but the high toll rate for using the road (in the past a public road), even after considerable dis-

counts to local residents, exerts pressure on already poor households.

A second example concerns water supply in Maputo, a city where 60% of the population lives in absolute poverty, access to potable water is limited and frequently water supplies are contaminated. The Maputo Iron and Steel Project and the Mozal aluminium smelter will require 40% of the Maputo region's total water supply and both enterprises discharge effluents into the water.[25] Also, some of the practices surrounding these big projects are environmentally hazardous and require specialist management not available in Mozambique – a factor apparently not ranking high on the agenda of the consortiums involved in these projects.[26]

At the same time, one should keep in mind that the capital investment in the Mozal project alone "is similar in size to the entire annual GDP of Mozambique".[27] The question that arises is whom do such spatial development projects really benefit? They are based on an expressed ideal and objective of development, but the interests (necessarily) involved in such large-scale project investments are embedded in a neo-liberal macro-economic vision that "casts everything within a profit-seeking framework which allows very little space for social and ecological implications".[28] Such an approach is based on economic growth, not on human development.

Moreover, the position of women and the impact of the Maputo Corridor SDI on their lives throws light not only on the issue of gender in development practice, but also on the question of inequality and vulnerability, i.e. the extent to which SDI development provides opportunities for people and communities to deal with vulnerability in terms of "asset portfolios".

In this regard one can look at three areas to gauge the contribution of this initiative to an improvement of the standard and quality of life of women, specifically those living within the area.[29]

Policy and institutional framework
The South African government requires that tender processes run according to certain criteria including gender representivity, involvement of black empowerment groups or previously disadvan-

taged persons, quality of the tender and price. The 2% points bonus for women's participation, and more broadly the 10% for other historically disadvantaged people are largely insignificant in terms of ensuring that women and other marginalised groups are empowered or draw potential benefit from tenders.

Broader gender issues are also not specifically addressed in policies – all references are to "disadvantaged communities" and the need to change the ownership base. Despite some complaints, one positive aspect of the tendering requirements for the SDI is the stipulation that subcontractors must be resident in the areas where the contract is to be implemented. It might well be that this requirement ensured that women contractors/sub-contractors were at least awarded ten (i.e. 4%) of the tollroad and related contracts.

Training
In terms of training provided this falls into two broad categories – construction skills and community courses, focusing particularly on life skills. According to a South African Commission on Gender Equality report, "job-related training is predominantly offered to men whereas the life skills courses show a predominance of participation by women".[30] This is backed up by figures: 94% of attendants on construction skills courses were men, whereas 85% of those who attended life skills courses were women.

Social aspects
There is a general feeling that due to the high unemployment figures in Mpumalanga, men should have first access to available jobs. Women are also often, due to their household responsibilities, deterred from more active participation in economic activities. Moreover, women are still largely involved in the informal curio and food-vending business. And, alarmingly, HIV/AIDS is on the increase along the Corridor and the sex trade industry is still viewed as an employment option

for women in the absence of other opportunities.

What is clear is that no matter what lip service is paid to issues of human and sustainable development, the main objective is that of stimulating economic growth. Furthermore, given the fact that women are usually amongst the poorest and most marginalised in many developing world societies, the fact that "there is no mention of gender issues at all" in the Maputo Development Corridor projects cannot but make one feel pessimistic as to the eventual benefits that will accrue to women and the households they so often are responsible for.[31]

Moving to the Gaza-Kruger-Gonarezhou TFCA, a somewhat different picture emerges. Though, as argued earlier, economic development also informs TFCA development, the projects that drive this initiative differ qualitatively and quantitatively from SDIs. There are, for instance, no large-scale industrialisation projects involved, and economic development is largely to be achieved through the development of a tourism infrastructure that comprises aspects such as the re-introduction of game and the provision of facilities to accommodate tourists. The fact that environmental conservation lies at the heart of this development approach means that much more care is be taken to ensure "environmentally-friendly" and sustainable development as this is exactly where profit is to be made. Therefore conservation, relations with surrounding communities and their well-being will feature much more prominently in these initiatives than in SDIs.

Two related issues seem to be of particular importance in ensuring the success of this kind of initiative in terms of the socio-economic requirements of sustainable development projects which imply empowerment: land ownership, utilisation and management, and job creation / livelihoods.

Land ownership, utilisation and management
The issue of land ownership is one that

> Women are also often, due to their household responsibilities, deterred from more active participation in economic activities

still has to be resolved in many parts of southern Africa, as attested by the problems and crises currently besetting Zimbabwe. In the case of TFCAs these issues are of particular importance as biodiversity conservation depends very much on the way in which land is used. In order to have viable conservation areas, size and tenure become critical variables and the need to harmonise conservation interests and community interests necessitates careful planning and concerted efforts at co-operation, consultation and education.

Some innovative solutions have already been found in some areas. The proposed Richtersveld/Ai-Ais TFCA provides one such example. The land on the Namibia side is earmarked for both tourism development and continued use by its inhabitants. Contractual National Parks are provided for in terms of national legislation. Other options for dealing with ownership, tenure and land use will perhaps be most efficiently dealt with by harmonising land legislation with national parks legislation as this would provide a legal framework within which agreements could be reached, together with the protection and predictability offered by such frameworks.

TFCAs spanning more densely populated areas might be more problematic to solve, though. Again, creating policy and legislative harmonisation is important, but solutions as to tenure and use may have different requirements from those of the Richtersveld Park.

This issue is of particular importance when it comes to the harvesting of resources as indiscriminate utilisation can negate and thwart the very objectives of a TFCA. Linkage between livelihood strategies and conservation needs to be fully explored and assessed, also in the long term.[32] Land claims of communities surrounding the Kruger Park for instance have received serious attention from government, particularly in instances where people had been forcibly removed from land to enable enlargement or consolidation of the Kruger.

In 1998 the Makuleke community successfully reclaimed their land and in February 2000 it was announced that the community had entered into negotiations with the Department of Environmental Affairs and the NPB to set up a contractual park within the Kruger. Agreement over the utilisation of resources, such as hunting, needs to be reached within the larger confines of, for instance, international agreements such as the Convention on Illegal Trade in Endangered Species (CITES). The issue of utilisation of resources is closely linked to that of job creation and livelihoods, but whereas land tenure, utilisation and conservation management touch on issues of ownership, jobs and livelihoods pertain to economic production.

Job creation / livelihoods

Employment creation remains one of the most problematic aspects of economic development and given the high incidence of dependency (the number of people falling outside the economically active age group) in developing societies employment creation is surely one of the biggest challenges faced by states and communities.

In the case of TFCAs there is a very strong argument to be made for 'local solutions' as employment opportunities will differ largely across the proposed TFCAs. The Richtersveld/Ai-Ais conservation area differs completely from the Gaza-Kruger-Gonarezhou TFCA, especially as far as population density and other demographic factors in and surrounding the Kruger-part of the TFCA are concerned.

Conventional wisdom has it that the growth of tourism will result in job creation and economic empowerment of people. The tourism industry, it is argued, is labour intensive, and the promotion of arts and crafts production is viewed as another way of providing women in particular with a livelihood.

The question, though, is whether such initiatives will be sufficiently diversified in terms of production to ensure a steady income to the large number of

> On the one hand there is the economic ideology that prioritises profit-making; on the other, there is the goal of sustainable human development

people who are dependent on tourist workers and the producers of crafts and artifacts. A further question is whether sufficient training and support can be provided to sustain growth in this area.

Some of the proposed TFCAs show huge potential tourist growth.[33] Others may shrink or turn out to be less viable should proclamation and a firm commitment to development be protracted. In the case of the proposed Gariep TFCA, spanning land in Namibia and South Africa (along the Orange River on the border between the two countries), significant land transformation within the proposed area has taken place over the past three years with irrigation development for the production of grapes.[34]

This has changed, in effect, the size of the proposed TFCA and impacts on the viability of the park as originally envisaged.

At this level, local communities, local authorities and entrepreneurs and investors from the private sector will have to develop close links and adequate communication channels, also with higher tiers of government. Production options other than tourism-related labour, the curio industry and small market activities such as the selling of foodstuffs need to be explored. In some instances the potential for the development of tourist facilities is rather limited (as in the case of the Richtersveld/Ai-Ais park) and employment creation will be minimal.

Food production, rather than a concentration on the selling of food, may provide income in certain areas where land conditions allow for it and in some instances export opportunities of locally manufactured artifacts and crafts may provide additional income.

It would seem that in the case of TFCA development, given the heavy emphasis on biodiversity conservation and the fact that such areas are therefore often isolated, this development strategy should perhaps not be touted as a panacea for addressing immediate human development concerns. Furthermore, what opportunities and potential for such development do exist, will have to be explored and decided locally rather than at the national level, due to large differences between TFCAs, though still within a framework that would provide support and capacity to local communities.

The extent to which human development within the current liberal economic paradigm with its emphasis on economic production and productivity is genuinely compatible with the underlying objectives of biodiversity protection remains questionable.

Conclusion

SDIs and TFCAs are inherently political projects and as development strategies derive from the neo-liberal free market ideology that underlies economic globalisation.

Developing cross-boundary co-operative policies is a means used by the developmental state to intervene in the development process with a view to improving the standard and quality of living. The fact that national boundaries can inhibit such development makes for co-operation between states, and the principle of specialisation and integrated spatial development explains the focus on micro-regions. Yet, the attainment of goals is problematic, in essence because two very different agendas are combined yet are almost incompatible: on the one hand there is the economic ideology that prioritises profit-making and attracts the necessary investment to drive these projects.

On the other hand there is the goal of sustainable human development that encompasses much more than economic growth or even economic development. Throw into this mix political egos and the concoction may become lethal. The losers are usually ordinary people, most often women and children. ☉

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BY MAANO RAMUTSINDELA

Introduction: De-saturating conceptions and practices of development

> If poverty were an infectious disease, which would be caught by the rich as well as the poor, it would have been eradicated long ago.[1]

Despite the multiplicity of conceptions of development and their attendant programmes, there are still misunderstandings on policies and strategies towards the eradication of poverty. Invariably, those conceptions have generally led to development paths that were costly in many different terms. In the South, neo-liberal policies championed by the World Bank and the International Monetary Fund (IMF) have had unacceptably high social costs.[2] Their capitalistic nature led to

> increasingly unequal patterns of income distribution between [and within] societies on the periphery of the system, in the process worsening the poverty and marginalisation of the disadvantaged instead of integrating all social strata into a steady inclusive and more stable system, and ... has produced a dangerous waste of non-renewable resources and provoked devastation of the environment.[3]

The World Bank appealed to external factors to explain why its own policies have not performed as well as expected.[4] The failures of such policies are in part ascribed to the hegemony of official discourses and policies of variants of modernisation that have been deeply entrenched in development practices.[5] For instance, in 1990 the World Bank proposed an approach to reducing poverty of which the elements were:

> efficient labour-intensive growth based on appropriate market incentives, physical infrastructure, institutions and technological innovation; adequate provi-

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sion of social services, including primary education, basic health care, and family planning services [6]

There has also been a widening gap between development theory and practice. In most cases, theories were not informed by realities on the ground.[7] Instead, they were and still are loaded with modernist assumptions; attempting to attain the impossible middle-class lifestyle for the majority of the world population. All these contributed to the view that development has reached a conceptual and political cul de sac, hence notions of post-development have been proposed.[8]

Most development policies overlooked what people can or cannot do for themselves. In contrast to official wisdom, people's capacities to sustain and improve their livelihoods are increasingly being seen as useful variables of development. Sneddon has in fact argued that,

> an explicit focus on the livelihoods of different societies' marginalised peoples offer a much needed palliative to the more ethereal, nation-level discussions typical of sustainable development discourses [9]

There is, of course, a wide range of opinions on livelihoods. The present short discussion is mainly concerned with the livelihood framework of analysis proposed by Frank Ellis. The reason for singling out Ellis here is simply that

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this essay is centred on his book, *Rural Livelihoods and Diversity in Developing Countries* [10]

Livelihoods: a policy parallax

Livelihoods strategies are by no means new; people have always been adopting and adjusting their means and ways of survival. These were ignored in development policy, as they did not fit into existing policy frameworks and the development agendas of donor agencies and their countries. However, in the late 1990s, livelihood gained ground rapidly as a new approach to rural poverty reduction in developing countries. The increased awareness of livelihoods can be ascribed to frustrations with the 'failure' of development and the subsequent growing poverty in most countries of the South, raising the question of the relevance of development policy to poverty stricken areas. In this context, livelihood frameworks not only highlight the need to understand how the poor survive, but are also an attempt to influence policy directions.

The policy implication of the livelihood approach is that development initiatives need to build on people's assets and strengths.[11] Frank Ellis adopted the livelihood perspective on rural strategies as an entry point to the complex ramifications of diversification – as a fundamental characteristic of such strategies. According to Ellis, 'livelihood comprises the assets, the activities, and access to these that together determine the living gained by the individual or household.[12] Thus, the starting point of a framework for livelihoods analysis are the assets that are owned, controlled, claimed or accessed by individuals and households.

It follows that any meaningful discussion of livelihood should pay attention to assets, mediating processes and activities. Assets include natural capital, physical capital, human capital, financial capital and substitutes, and social capital [13] Mediating factors and processes influence access to assets. For instance, social relations, institutions and organisations inhibit or facilitate access to assets. A case in point is land tenure institutions that influence

land ownership patterns.[14] The conventional approach to land reform has been to change patterns of land ownership. There is a need to see land as an asset for livelihood, and to design land reform policies that enhance access to land by poor rural communities. This is particularly relevant to sub-Saharan Africa, where the rural poor are dependent on land. Watkins has argued that, "gross inequality in land ownership is a major obstacle in many countries to the improved human security and agricultural progress" [15] Read from this angle, the livelihood approach challenges the "agriculture-first" strategy and the previous preoccupation with the small farmer as the main platform for rural poverty reduction. It considers landlessness in a rural context as an indicator of poverty.

Arguably, assets and resulting activity portfolios should be encapsulated in development policies and rural livelihood strategies. As Ellis has noted, the assets status of poor individuals or households is fundamental to understanding the options open to the strategies they adopt for survival, and the vulnerability to adverse trends. Thus, the livelihood approach is based on the premise that "poverty policy should be about raising the asset status of the poor, enabling assets that are idle or under-employed to be used productively" [16]

This suggests a shift from large domain policies towards individual or household policies. That shift implies that higher profile macroeconomic activities may prove less successful unless they are integral to livelihood strategies. The point here is not that policy and institutional changes at the macro level are not important for livelihoods. Rather, it is to suggest that such changes should enhance the survival strategies of the poor.

It should be noted that macro policies influence variables that have impact on the pace and direction of socio-economic change. What needs to be assessed is whether conventional macro policies such as those of the IMF and the World Bank are inimical or encouraging to livelihoods. Ellis is of the view that, "macro policies may provide an encouraging environment for rural livelihoods, lowering risk, stimulating flexibility, widening options, and reducing vulnerability" [17] Practically, macro policies could be useful in as far

as they are connected to the livelihood strategies of individuals and households. Such strategies are usually diversified. As Ellis has noted,

> trends and processes in the larger economy may create general conditions that provoke livelihood diversification as a response; however, individuals and households are likely to respond to these underlying changes in different ways, depending on factors that vary between households such as income levels and asset profiles.[18]

Diversification by necessity and choice

More broadly, assets impinge upon rural livelihood diversification. Ellis has defined "rural livelihood diversification as the process by which rural households construct an increasingly diverse portfolio of activities and assets in order to survive and to improve their standard of living".[19] In this sense, diversification involves the creation of diversity as an ongoing social and economic process, reflecting factors of both pressure and opportunity that cause families to adopt increasingly intricate and diverse livelihood strategies. It draws attention to a variety of dissimilar income sources. As a livelihood strategy, diversification involves two overarching considerations: necessity and choice. Livelihood diversification

> may occur both as a deliberate household strategy or as an involuntary response to crisis. It is found both to diminish and to accentuate rural inequality. It can act both as a safety valve for the rural poor and as a means of accumulation for the rural rich. It can benefit farm investment and productivity or impoverish agriculture by withdrawing critical resources.[20]

Individuals and households diversify out of necessity due to distress reasons such as natural disasters and adverse socio-political conditions. Such diversification is often criticised for leading to the exploitation of the poor. For instance, farm workers who are evicted from land end up working for unacceptable low wages for survival. In contrast, diversification by choice seeks to maximise opportunities. In reality, diversification by necessity or choice

reflect the asset portfolio of individuals and households. The poor would tend to diversify out of necessity.

Diversification raises questions of types of labour market and branches of activity that can provide the rural poor with greater scope for constructing a resilient livelihood.

Policy makers should therefore focus on the building blocks for such resilience, instead of suggesting palliative programmes and projects that are "foreign" to the poor. Thus, "supporting [local communities'] initiatives and drawing upon their ingenuity, energy, and commitments, must be the starting point for international efforts directed towards poverty eradication".[21]

Conclusion: the livelihood approach, a leap forward in rural development policy?

Frank Ellis prefaced his book by suggesting that livelihood seems to offer a more complete picture of the complexities of survival in low-income countries than conventional development terms. He concludes that increased awareness of livelihoods and diversity can lead to a better formulated rural poverty reduction policies than those based conventionally on sectors and sub-sectors. Ellis has successfully brought the awareness of livelihood diversification more centrally into thinking afresh about rural development. He achieved this through a rigorous analysis of concepts, opinions and policy implications of different views and standpoints on the survival of the poor.

Ellis does not prescribe any policy aims. Instead, he challenges conventional development policies that do not encourage the participation and voices of the poor. He argues that rural development strategies should be anchored on situational analysis, reflecting on people's work in their local settings.[22] The challenge, though, would be to aggregate the lifestyles of the rural poor and to incorporate them into general rural development policy. Theoretically, the challenge seems to be how livelihood approaches should be encapsulated into development theories, without necessarily developing "a privileged mode of explanation". It may not be stretching the point too far to suggest that any attempt to canonise the livelihood approach will lead to another failed dogma of development. What is needed are flexible approaches that seek to unpack the dimensions of rural life. The livelihood approach shed light on those dimensions.

In practice, livelihood and diversity demand that development policies should focus on the resources and capacity of the rural poor. However, there is a danger that the approach could ignore challenges posed by larger socio-economic environments. There should certainly be no global-local dichotomy. On the whole, the livelihood approach has re-opened the debate and research on past panaceas and present predicaments of rural development in the South. The strength of the approach lie in its acknowledgement of the salient features of rural communities. O

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21 Watkins 1995, p 33
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